DOCUMENT RESUME

ED 163 108 UD 018 791

AUTHOR	Davies, Don; And Others
TITLE	Federal and State Impact on Citizen Participation in the Schools.
INSTITUTION	Institute for Responsive Education, Boston, Mass.
SPONS AGENCY	National Inst. of Education (DHEW), Washington, D.C. School Capacity for Problem Solving Group.
PUB DATE	Jun 78
CONTRACT	400-76-0115
NOTE	151p.; For related documents, see UD 018 792-795
EDRS PRICE	MF-$0.83 HC-$8.69 Plus Postage.
DESCRIPTORS	Citizen Participation; *Community Involvement; *Decision Making; *Educational Programs; Elementary Secondary Education; *Federal Legislation; Government Role; *Parent Participation; School Community Relationship; School Integration; *State Legislation

ABSTRACT

This report is part of a research study on citizen participation in educational decision making. Data are drawn from: (1) interviews with school administrators, school board members, teachers' union representatives, members of the media, political figures involved in educational issues, officers and members of citizens' organizations, state elected officials and foundation officials; (2) a computer search of relevant literature; (3) conventional sources of data for Federal and State court cases; and (4) questionnaires. Individual papers in this report focus on Federal impact, State legislation, judicial activism, and school desegregation, all in relation to citizen participation. The papers are indexed and abstracted separately (see UD 018 792-795). (GC)

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FEDERAL AND STATE IMPACT ON CITIZEN PARTICIPATION IN THE SCHOOLS.

by: Don Davies, James Upton, Miriam Clasby,
Felix Baxter, Brian Powers and Ross Zerchykov.

June 1978

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION

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Prepared as part of Citizen Organizations: A Study of Citizen Participation in Educational Decisionmaking by the Institute for Responsive Education. The work upon which this publication is based was performed pursuant to Contract Number 400-76-0115 with the Group on School Capacity for Problem Solving of the National Institute of Education, and does not necessarily reflect the views of that agency. This publication is not printed at the expense of the Federal Government.

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FOREWORD

This report is one of several resulting from the first year of a 33-month research project by the Institute for Responsive Education. The Education and Human Resources Development Division of Optimum Computer Systems, Inc., (OSC) was the major subcontractor for the first half of the study. The Research Foundation of the City University of New York is the subcontractor for the second half of the study.

Entitled "Citizen Organization: A Study of Citizen Participation in Educational Decisionmaking," the project is funded by the Group on School Capacity for Problem Solving of the National Institute of Education.

The principal purpose of the study is to increase understanding of ways in which organizations: (1) have impact on local decisionmaking; (2) work to increase the responsiveness of public institutions (e.g., schools and school systems) to the constituents they serve; and (3) enhance the power of minorities and of low-income residents. The study is particularly concerned about ways in which parents and other community members, especially urban minorities and the poor, participate in decisions that bear on the education of their children.

The other reports from the first year of the study are described below:

1. PATTERNS OF CITIZEN PARTICIPATION IN EDUCATIONAL DECISIONMAKING:

   Volume 1: Overview of the Status of Citizen Participation.

   Volume 2: Diverse and Shifting Patterns of Citizen Participation.

   Volume 1, an interpretative essay by Don Davies, establishes the ideological framework and sketches an historical, social, and educational context for the study. Observations and hypotheses drawn from preliminary field studies are woven together in an examination of several basic questions: Who participates? In what ways and in what issues? With what impact? In what governmental context?

   Volume 2 considers a variety of channels--including advisory councils, neighborhood associations, and networks --that offer structural innovations to increase citizen access to schools. The authors analyze the strengths and limitations of various types of involvement, with particular emphasis on evidence of effectiveness in countering professional domination. These initial observations will be tested and supplemented in more intensive and systematic phases of the research.

2. SOCIAL SCIENCE THEORY AND RESEARCH ON PARTICIPATION AND VOLUNTARY ASSOCIATIONS: A Bibliographic Essay.

   Lois Steinberg reviews conceptual frameworks, analytic constructs, and field-based research to throw light on issues pertinent to participation. Topics include the politics of education, the role of interest groups in social science analysis of the political process, the dominant theoretical perspectives of social science research on interest group processes, and the effects of this research on citizen participation in educational decisionmaking.

3. CITIZEN PARTICIPATION IN EDUCATIONAL DECISIONMAKING: An Annotated Bibliography.

   Updating a previous bibliography prepared by the Institute for Responsive Education in 1974, this publication provide annotations for more than 800 books, essays, and articles on citizen participation.

4. A DIRECTORY OF STATE AND NATIONAL ORGANIZATIONS SERVING LOCAL CITIZEN GROUPS.

   Designed as a tool for citizens involved in schools, this resource directory appears in Citizen Action in Education, the national newsletter of the Institute for Responsive Education.

SOURCES OF DATA

Data for these reports are drawn from a variety of sources:

Approximately three hundred open-ended interviews were conducted in the field by study staff members from September, 1976 to May, 1977. One hundred eighty-eight interviews were conducted in seven large cities: Atlanta, Boston, Chicago, Detroit, Los Angeles, New York, and San Francisco. In each city we interviewed a number of decision-makers including the superintendent of schools, the president and other members of the school board, the education editor of the major daily newspapers, the head of the teachers' union, the mayor's chief education aide, and key school administrators in the central district office, as well as other informed observers of school politics in each city.

In each of these cities we also interviewed the staff director, officers, or members of ten to twenty different kinds of citizen organizations. Four to seven I.R.E. staff members visited these cities. The field visits lasted three or four days. Briefer visits were also made by one staff member to Louisville, Houston, and Denver.

Three visits were made to state capitols to interview state legislators, legislative staff members, state department of education officials, and observers of state educational politics. These field studies took place in Denver, Sacramento, and Tallahassee.

Interviews were conducted with foundation officials, staff members of NEA and AFT, the National School Boards Association, the Council of Great City Schools, the National Congress of Parents and Teachers, the National Committee for Citizens in Education, the National Coalition of Title I Parents, the Coalition of Indian Controlled School Boards, the Office of Education Administrators, the Education Commission of the States, the Children's Defense Fund, the Federal Education Project of the Lawyers Committee for Civil rights Under the Law, and a variety of other national and state citizen and education interest groups.

A comprehensive computer search of relevant literature was undertaken and included these data bases: Education Resources Information Center, Social Sciences Citation Index, Sociology Abstracts and the Foundation Center Data Bank. In addition, conventional literature searches were made including the dissertation abstracts and periodical and book indices. More that five hundred books, articles, reports, and dissertations were reviewed and summarized; annotations were prepared for most of these.

The conventional sources of data for Federal and state court cases were reviewed extensively, including the state and regional reporting system, the Federal Supplement (F. SUPP.), Federal Reporter Second (F.2nd), United States Reporter (U.S.), Supreme Court Reporter (S.Ct.), United States Law Week (U.S.L.W.), and Poverty Law Reporter.

A request for information and opinions was mailed to approximately 15,000 readers of the IRE quarterly publication Citizen Action in Education. Approximately seven hundred responses were received. Respondents sent us about four hundred documents, reports, reprints, and supplementary material relevant to citizen participation.

The Education Commission of the States prepared and disseminated a request for information from each state to locate relevant state laws, regulations, guidelines, and court cases.

Since August 1976 we have continuously scanned several sources of relevant current news and information: Education Daily, Education USA, Compact, and Legislative Reports (of the Education Commission of the States), and a variety of organization newsletters.

For this report on Federal and State Impact on Citizen Participation we reviewed the legislative language and regulations for all programs administered by the U.S. Office of Education in the fall of 1976, and have catalogued all requirements for citizen participation. This catalogue of participatory requirements in Office of Education-administered programs is available at cost on request from IRE.

TERMINOLOGY

The use of multiple data sources adds further complexity to an already ill-defined area. Citizen participation is not a unitary concept. No single theoretical framework can encompass it. It means many different things and is used in many ways. For our purposes in this report, we use the word citizen to refer to parents and other adult residents in a city or town. It normally excludes students, even though students are sometimes involved in some of the varied activities known as citizen participation. It also excludes professional educators and school staff only to make the important distinction between non-educators and the professionals and other employees of the schools.

Participation, as we use it herein and as it is most commonly used, means taking part in activities in order to exercise power or influence -- to have impact on decision-making. However, much difficulty and confusion arises with this usage in that much that is called participation involves little or no power. In looking at any of the forms of citizen participation in this report and the other reports in the series, it is particularly important to consider levels of activity, degrees of impact, and the nature and purpose of the participation.

Arnstein develops a ladder of participation with eight levels to demonstrate that participation can take different forms depending on degrees of authority granted to or achieved by the citizen. The range of participation represents a continuum from the two bottom rungs, described as "manipulation" and "therapy" which are, according to Arnstein, levels of "non-participation" to the top -- "citizen control" where citizens obtain full managerial power. Three intermediate levels -- informing, consultation and placation -- represent levels of "tokenism" since the "have-nots" have no genuine voice in the decision. They may be listened to, but have no authority to insure that policymakers heed their views. Only one intermediate level, "partnership," which permits citizens to negotiate and engage in "trade-offs" with "traditional power holders" meaningfully advances the degree of citizen participation. The other level, delegated power, gives have-nots a majority voice in the decisionmaking process.

For this report, we will attempt only to make very general discriminations according to levels of activity - low, medium and high, and degree of impact - low, medium and high.

We will use the term involvement (rather than participation), where there is no clear intent to exercise power or to have an effect on decisionmaking.

Throughout this report and the others in this series, we differentiate between citizen-initiated organizations and mandated organizations. The latter are those groups that are formed by action of a local school or school system, or by state or Federal legislative or executive action.

Although the reports cover an enormous range of activities and are based on large amounts of data, the results are in no way definitive. The first phase of our study of citizen organizations was designed to be impressionistic. Our impressions, assertions, definitions, and conclusions will be tested further in our field studies in three urban sites.

CONTINUING ACTIVITIES

Following the first-year national study of current organizations and their activities, intensive investigations commenced in Atlanta, Boston, and Los Angeles in fall 1977. In each city, a site coordinator and staff of part-time community researchers are using case-study methodology, participant observations, and survey techniques to study several citizen organizations for about 18 months. The organizations are being studied in the context of their sociopolitical environments.

The Principal Investigator for the 33-month study is Don Davies, President of the Institute for Responsive Education. Marilyn Gittel, well-known political scientist and researcher specializing in citizen participation, serves as Director of Research.

The Institute for Responsive Education (IRE) is a nonprofit, private organization, founded in 1973 by Don Davies to study and assist the process of citizen participation in educational decisionmaking. It is housed in the Department of System Development and Adaptation, School of Education, Boston University, where Davies is chairperson and a professor.

For more information about this NIE-funded study of citizen organizations or about the Institute for Responsive Education, write or call:

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ACKNOWLEDGEMENTS

This report is the result of the collective efforts of several IRE staff and associates. In addition we wish to recognize the significant contribution of the Education Commission of the States in preparing and distributing a mail questionnaire to the States, following up on returns, and coordinating information flow. Special appreciation is due to Roy Forbes, Director of the National Assessment of Educational Progress and Gloria Frazier, Director of Public Information of ECS.

The overall coordination and the preparation of Chapter I were the responsibility of Don Davies, President of IRE. In writing his chapter on Federal program requirements, Davies drew on his five years of experience as Associate Commissioner and then Deputy Commissioner for Development in the U.S. Office of Education.

Miriam Clasby, principal author of Chapter II and Director of the Collaborative which links Boston University with 14 Boston Schools and their Community District Advisory Council, is the Associate Director of IRE. A former chairperson of the editorial board of the Harvard Educational Review, she also has served as project director at the Educational Policy Research Center, Syracuse. Her report, Laws, Tests, and Schooling, co-authored with Maureen Webster, provided the conceptual framework for the data analysis presented in Chapter II of this report.

James N. Upton, with a doctorate in Political Science from Ohio State University, formerly held the position of Assistant Professor at the Center for African American Studies of Ohio University. Currently he is Field Research Coordinator of this NIE-funded study of citizen participation in educational decisionmaking.

Felix Baxter, an IRE associate, is a lawyer in New York City. With both law and education graduate degrees from

Boston University, he has worked for the central administration of the New York City Public Schools and is a consultant to several school districts.

Ross M. Zerchykov, magna cum laude graduate in Political Theory, University of Massachusetts, Amherst, is currently writing a doctoral dissertation in Political Science at Boston University. An IRE Research Associate, he co-authored, with Don Davies, Citizen Participation in Education: Annotated Bibliography, a companion volume to this report. He is also working on an IRE Action research project on school advisory councils.

Brian Powers, magna cum laude graduate, Harvard College, is a former journalist and currently an IRE Research Associate. Powers is coordinator for "Fitting Schools to Fewer Students," a project concerning community participation in declining enrollment supported by the Rockefeller Family Fund.

Richard Whalen-Sterling, a doctoral student in the Department of System Development and Adaptation, School of Education, Boston University, and a program officer in the Boston Office of the Administration for Children, Youth and Families, U.S. Department of Health, Education, and Welfare, reviewed and catalogued the legislation and regulations relating to citizen participation in all programs administered by the Office of Education and in selected HEW programs.

Other valuable contributions to this report have been made by Alison Ridley Evans, IRE's Senior Editor, Peter Skinner, who edited the first draft in his capacity as editor for Optimum Systems Corporation, and Nancy Seymour, IRE Communications Director. We would also like to acknowledge the help of Bernice Randell, Edythe York, and Carol Wolfe, who provided important information about the Boston desegregation effort. Special thanks go to Jane de Groot who proofread the entire document in various stages of completion and to Lena Napolitano and Ann MacNamara who handled the extensive typing with exceptional skill and patience.

FEDERAL IMPACT

by Don Davies

Over the past twenty years, Federal Government intervention has had a greater impact on elementary and secondary education than most citizens, educators, or politicians realize. Complex, cumulative, and growing, the Federal impact is not yet adequately documented or understood.

The Warren Court's rediscovery and revitalization of the 14th Amendment's powerful equal protection clause has profoundly affected all aspects of national life; its application has opened up dark recesses of inequality based on race, language, sex, and class. The effect can be traced through nearly all Federal educational activity of the past 15 years, including the new legislation for education and much of the controversy and conflict over citizen participation in school affairs.

In some cases, Federal court action has desegregated schools in the North and South. Despite continuing conflicts over busing, the Federal court orders have helped to increase public support for desegregation. Federal laws and court decisions have made applicable basic rights of freedom of expression, due process, equal protection under the law, protection of privacy, and student and parent access to information. In schools desegregated by court order, significant changes have occurred in the way these institutions relate to students and their families. A combination of forces has led to some increase in the numbers of minority teachers and administrators in most major cities. These forces include Federal court pressure for desegregation, Health, Education and Welfare (HEW) requirements for affirmative action in federally funded programs, the recruitment and training effects of the 1960's anti-poverty and education improvement efforts, the Voting Rights Act, and continuing pressure from local minority communities.

This chapter focuses on Federal legislative programs and their implementation.

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Character and Development of Federal Involvement

Even though the Federal Government contributes less than 8 percent of the total cost of running the public schools, Federal legislation for education has had a large and spiraling impact. This impact has taken two directions: initiatives to redistribute educational resources through compensatory educational programs and initiatives towards target group involvement in planning and carrying out such programs.

Federal programs have brought about a clear if modest redistribution of educational resources, benefitting the poor, non-English speaking, and physically or mentally handicapped children. This redistributive effect will continue to increase moderately as a result of the growth in funding of the Elementary Secondary Education Act (ESEA) Title I (likely to exceed $3 billion by Fiscal Year (FY) 1979), and the new Education for All Handicapped Children law. The Federal focus on compensatory and bilingual education has increased staff size, interest, and capacity in both State and local educational agencies working in these areas. 1/

Programmatic responses to inner-city demands and upheaval came primarily from the Federal level when new aid programs which required target group representation in planning and execution were instituted. From the Federal perspective, these requirements aimed to: (1) make the services delivered to the poor more responsive to needs; (2) integrate the bottom segments of the urban population into community life, thus quieting unrest and promoting stability. In addition, some Congressional and Executive Branch supporters expected the requirements to (1) train citizen leadership; and (2) ameliorate concerns about excessive Federal domination of local policies by providing for local citizen influence. The latter aim was, and is, of special importance in legislation for education. Federal officials are sensitive to the constitutional preeminence of the State government in education, and its allegiance to the concept of "local control of the school"--however much that concept is violated in practice.

There is a shared history of intent and similarity of institutional mechanisms between subsequent Federal educational programs and the War On Poverty for poor, minority target group representation. For instance, Head Start was originally part of the package of anti-poverty programs. Consequently, it is instructive to summarize the general features of citizen participation in such programs.

The Legacy of Poverty Programs

Two of the most important pieces of anti-poverty legislation in the mid-1960's that affected education in the cities were the Economic Opportunity Act of 1964 (and several amendments to the original bill) and the Model Cities Act of 1966. Urban renewal programs in the 1960's also contained citizen participation requirements. These programs generated a vast amount of social science research. Much of the literature is reviewed and summarized in the bibliographic essay and annotated bibiliography which are separate but companion publications to this report.2/ That literature will not be summarized or discussed here. However, several salient points about citizen participation in education in the 1960's and early 1970's, and current patterns of participation need mention.

1. Federal provisions for participation of the poor were typically ambiguous and varied in scope and mandate from one program to another. Legislative language and regulations ranged from vague and permissive to highly detailed and mandatory.

2. There was no unitary or coordinated Federal policy aimed at encouraging citizen participation. Wide variations existed among departments and agencies and - in the case of Housing and Urban Development (HUD) and HEW - within departments.

3. There was no corresponding unity of intent and support for citizen participation. The higher levels (in both the Johnson and Nixon administrations) supported the general principle of participation not disruptive of either local government or Federal program management. At lower bureaucratic levels, degrees of support varied from person to person, unit to unit, and time to time.

This fragmentation of purpose and means inevitably had implications for the local administration of Federal poverty programs.

1. The same local agencies - and many of the same officials and participants - were often involved in several programs which had somewhat varying rules, regulations, purposes and styles of participation.

2. Variations in support and willingness to monitor and enforce requirements were often confusing and disruptive to local officials, to program managers, and to low-income participants.

3. Local response to the multiplicity of requirements varied widely. One survey in four States

and six metropolitan areas showed that nearly half the municipalities did not implement the citizen participation requirements at all.3/

Effects of Federal Participation Initiatives

Not surprisingly, social science research and evaluation of citizen participation in the poverty programs reflects this variety of local experiences.

Arnstein's oft-quoted study of participation and influence in Urban Renewal, Model Cities, and Community Action Programs showed programs at all levels of her eight-rung "ladder of participation" in relationship to authority: nonparticipation in the form of (1) "therapy" and (2) "manipulation"; participatory tokenism classified as (3) "informing," (4) "consultation," and (5) "placation "; and three top rungs, where power was redistributed, (6) "partnership," (7) "delegated authority," and (8) "citizen control." Most of the programs included in this study were on the lower and intermediate rungs.4/

Some critics go even further and assess the results of the Federal participation programs as largely negative. For example, Lowi believes that the effects were essentially conservative; the civil rights movement was weakened and the militancy of the poor was diffused.5/

This suggests that both anticipated and unanticipated results of Federal interventions aimed at citizen participation and influence should be considered in advance and then documented carefully. For example, whether such an outcome was sought by the Federal Government or not, effective grassroots leadership was identified and developed in the Federal programs of the 1960's. There is no pertinent statistical evidence, and virtually no biographical research, but we have encountered in our field studies (or been told about) scores of individuals who are now holding elective or appointive office and heading organizations and agencies, who "came out of" the anti-poverty programs.

Another significant although perhaps unintended consequence of Federal participation requirements was the effect of such mandates on voluntary citizen associations. In many instances the federally mandated, federally sponsored participatory activities led to the development of voluntary neighborhood organizations and ad hoc groups. In other cases, existing citizen-initiated organizations were enlivened and stimulated by the Federal requirements. This is significant in light of evidence suggesting that the most effective participation came from independent, voluntary associations.6/

Long-term documentation is sparse, and few followup studies have been made in the same communities where the major research and evaluation efforts of the Federal participation programs took place. However, there is evidence that many of the variations in the nature and effectiveness of local programs can be attributed to the varying political cultures of the cities. For the purposes of our study, there is one additional variable: Community Action Programs in which the participants pursued a political (rather than a service or economic development) strategy were more effective on four measures of program effectiveness--(a) increase in level of organization in the community and in the number of demands by residents; (b) increase in percentage of the population who are members of community organizations; (c) increase in petitioning of public agencies by organizations; and (d) success in securing political and institutional change.7/

This experience contains lessons directly applicable to subsequent Federal educational requirements for participation; however, such lessons seldom have produced policy changes.

Like the Poverty and Model Cities efforts, Federal educational programs are highly categorical, fragmented and confused; numerous innovative programs such as those for individually guided education, differentiated staffing, environmental education, and metric education result in fragmentation at the local school district level.

However, serious efforts to improve programs by strengthening participation requirements and actual citizen activity have been made,with varying degrees of success,in two educational programs: Head Start and Follow Through; and, to a lesser extent, in Title I of the Elementary Secondary Education Act. These will be discussed in some detail below.

HEAD START AND FOLLOW THROUGH

As offspring of the War on Poverty, both Head Start and Follow Through proceeded on the concept that the poor should participate in planning and carrying out programs designed for their benefit.

Head Start

Head Start was aimed at early intervention: providing improved health, nutrition, and educational services to children three to five years old, prior to their entering kindergarten or the first grade. The program has grown from $96.4 million in 1966, its first fiscal year (FY), to $475 million in FY 1977. There are now 1,343 program grantees and 800 delegate agency subcontractors. Since a policy council is required for each grantee and a policy committee for each subcontracting agency, there are 2,143 programs and councils in FY 1977. The average size of the policy councils (or committees) is estimated to be 20. Hence, there are approximately 42,000 parent/citizen members.

Head Start Budget Increased

These programs now serve about 330,000 children (as compared to the nearly 6 million children served by Title I), as well as an additional 16,000 children served in experimental programs such as parent-child centers. Since 1960, in a period when many other War on Poverty programs were cut back or phased out, the Head Start budget has increased by more than 400 percent; this is testimony to the political base built by recipient agencies, and to the aggregate political strength of the policy councils. About 75 percent of all Head Start programs are run by community agencies of various kinds; 25 percent by public school systems.

Strong Parent Involvement

From the beginning, Head Start emphasized parent participation. The child psychiatrists, nutritionists, child development specialists, and community leaders involved in designing the program recognized the substantive importance of a high degree of parent participation. Strong evidence has been accumulated that these planners were right. Involvement of parents as tutors, and parent training programs can indeed improve children's performance. Stearns cites carefully controlled intervention studies which show positive effects of parent participation both on parents' attitudes about themselves and on children's IQ scores. Similar positive results have been noted when parents assume staff roles as classroom aides and family-community workers.8/

Parent participation in decisionmaking in Head Start first took the form of advisory committees. In 1970, one year after the program was moved from the Office of Economic Opportunity (OEO) to the Office of Child Development in HEW, the parent advisory committees became policy boards, vested with the kind of authority usually associated with a governing board, including the following functions:

1. Establishing goals for the Head Start program and developing means of meeting them within HEW guidelines.

2. Determining delegate agencies (subgrantees) and areas in the community in which Head Start programs would operate.

3. Developing plans for the use of all available community resources.

4. Establishing criteria for the selection and recruitment of children within applicable regulations and guidelines.

5. Determining the composition of the policy council or committee

6. Establishing a method of hearing and resolving community complaints

7. Determining Head Start personnel policies; hiring and firing Head Start director and all staff

8. Making requests for funds and making major changes in budget and work program

9. Conducting evaluations of program operations.

This listing is included because it makes clear and more specific the authority of Head Start councils in contrast to most other Federal educational programs.

Wide variations are reported in effectiveness of policy boards. The Kirchner Associates report that there appears to be a minimum of parent involvement in programs administered by public schools, as contrasted to those administered by community agencies. 9/ However, it appears that Head Start programs run by community agencies have a more positive effect on the quality of childrens' progress than programs which don't meet these conditions.

Head Start programs stress both individual and collective forms of participation and influence; they emphasize parents rather than other community residents, although others in the community play major roles in the sponsoring community agencies. Programs are entirely government-initiated, focused on the individual school level rather than citywide planning. They include strong low-income participation (requiring that at least 51 percent of the members of policy councils be parents of children eligible for the program)and are both single purpose (related to one program) and multipurpose (in that their focus extends to the health, social welfare, and nutritional as well as the educational aspects of the program).

Follow Through

Follow Through programs stress both individual and collective forms of participation. They emphasize parents rather than other community residents. They are entirely government-initiated, focused on the individual school programs and include strong grassroots participation (because of eligibility requirements). The participation is single purpose in nature.

This program is an example of the large-scale mid-1960's concept of Federal intervention which was realized only on a relatively small-scale and had narrow rather than extensive aims. Follow Through was conceived as a comprehensive attack on poverty; the local school would serve as a focal point for coordination of services to the poor community. Along with Head Start and other economic opportunity efforts, it aimed at social change--changing local institutions and empowering parents and other low-income community residents to bring about this change. But, unlike Head Start, the program was never adequately funded. There are now about 1,000 participating schools in 146 school districts. The program ran afoul of the guns-and-butter problems of the later Johnson years, and had further problems because of the intent of the Nixon administration to annul the anti-poverty programs.

Focus Shifted in 1969

In 1969, the administration of Follow Through was shifted from the Office of Economic Opportunity (OEO) to the Office of Education and the program became an educational experiment which concentrated on evaluation and improvement of academic achievement rather than the previous emphasis on social change. Stearns points out that the Office of Education continued to support the program's original intent of involving parents in significant roles, but involvement became a means of improving the quality of the program's educational impact rather than an end in itself; citizen participation was based on "a recognition of parental rights to participate in decisions affecting their children."10/ This new view of parental involvement as instrumental in raising pupil achievement rather than as a form of political empowerment suited the professional climate of the Office of Education and of the public school system in which the Follow Through program was operating.

The catalogue of programs which we prepared as a basis for this report reveals that the parent involvement requirements of Follow Through are more specific and suggest more citizen influence than any other Office of Education-administered program.

Participatory Requirements

The legislation for Follow Through requires that recipients of funds shall provide maximum employment opportunities to residents of their area and to parents of children participating in the program. This is the only OE-administered program with such a stipulation. The legislation also calls for direct participation of the parents of selected children in the development, conduct, and overall direction of the program at the local level.

The regulations require a policy advisory committee to assist with the planning and operation of program activities and to participate in the preliminary decisionmaking process for such activities. This arrangement stresses collaborative decisionmaking more than other education programs. The functions specified in the regulations are also more specific than those of other programs (except Head Start), and include:

1 Developing the committee's bylaws in order to define purposes and procedures.

2. Helping to develop all components of project proposals and approving them in their final form.

3. Assisting in the development of criteria for the selection of professional, non-professional, and paraprofessional staff.

4. Exercising the primary role in developing criteria for the selection of eligible children.

5. Developing and administering a procedure for hearing and acting on complaints of parents and community.

In addition, the actual program must provide for a parent and community involvement component aimed at widespread participation. Hence, program money can be spent legitimately for parent and community participation activities. Program money is used for the clerical staff of the Policy Advisory Committee, a feature missing in most other Federal educational programs.

Evaluation of Participation

Despite massive and costly evaluations of Follow Through, relatively few evaluation data which reveal the impact of parent participation are available. Stearns summarizes the most important, focusing on three parent roles; parents as tutors, parents as paid aides, and parents as decisionmakers. An informal study of two sites, using the University of Kansas Follow Through model, has shown differences in child achievement attributable to "the presence of more trained parent aides." 11/ The Stanford Research Institute (SRI) Follow Through evaluation revealed that the presence of classroom aides increased the amount of individual attention received by the children.

Evidence from Follow Through case studies by SRI indicates a connection between the level of parent participation in a local project and the level of institutional change within the project and the community.12/

Wide Variation in Parent Participation

The limited evidence available from our recent interviews indicates a wide variation in the degree to which parent participation requirements in the legislation and regulations are made use of in local projects. The range is from projects which almost completely ignore the requirements to projects that were initiated by parents and are now run by them. In Boston, it is reported that parents do little more than sign the Follow Through proposal. In Chicago, some projects have strong and effective parent committees. The Follow Through Parent Committee was not cited as a powerful or an effective citizen organization in terms of policy impact in any of our interviews in seven cities. Some interviews in California pointed up the problem of duplication of advisory committees in schools with Title I, Follow Through, and other programs with mandated participatory committees.

Perhaps the most telling evidence of Follow Through parent participation is that in 1974-75, participating parents were able to mount a massive and successful letter-writing and lobbying effort to get Congress to veto a major Administration cut in the Follow Through budget, thus reinstating the money in question.

Afram Involvement: A Strong, Positive Force

The Office of Education affirmed its recognition of the importance of parent participation when it contracted with Afram Associates to organize and advise a group of Follow Through Projects in community-controlled and/or community-based schools such as the Morgan School in Washington. Afram Associates is headed by Preston Wilcox, a nationally known spokesman for black community control.

The projects sponsored by Afram--and the assistance that Afram provided--were based on a strong ideological belief. In their words:

> Parents, families have a natural nonnegotiable right/responsibility to guard/protect the right of their children to be perceived as human/educable, as being members of a community and to be involved in shaping the content/policy of their children's educational programs. The failure of school systems to effectively provide educational justice to all children, shifts the exercise of parental decisionmaking from a right/responsibility to an absolute necessity. 13/

Afram Committed to Strengthening Family Ties

The Afram view of education as a part of community development and social change is reflected in the work that this group did in its Follow Through projects. Afram also has a strong moral and humanistic belief in strenthening the family and its supportive bonds. Afram specifically rejected evaluation of its projects on the basis of standardized test scores or other measure of student performance. This clearly differentiated its approach from other Follow Through sponsors and projects.

In spring 1976, the Follow Through program decided not to refund Afram, but to continue funding local activities at some Afram sites. According to the Center for New Schools report:

> The position of the Federal funders was that Afram refused to follow proper procedures and that the services being provided by Afram at that point were unclear. Afram's perspective was that it was not refunded because it refused to put the maintenance of relations with funders above its direct work with parents, because it pressed for more parent control of Follow Through, and because it encouraged local self-reliance and encouraged local sites to take primary credit for their successes rather than fostering dependency and claiming major credit for Afram. 14/

While we have no independent data on Afram's situation, we believe that it deserves further study. The situation bears directly on the question as to whether Federal educational agencies can and will fund programs that explicitly seek to transfer power to poor people, that emphasize a preeminent role for parents and citizens, and that deviate from conventional requirements for evaluation and reporting.

Afram Highlights Federal Dilemma

The involvement of Afram with Follow Through throws into vivid relief another important dilemma in Federal policymaking and implementation. As we discuss elsewhere in the report, many Federal educational programs designed for poor and minority communities serve a double-edged purpose: improvement in the quality of education and simultaneous social change. Since Congressional intent is often ambiguous about which aim should be given priority, agency administrators have wide latitude in administering programs like Follow Through.

Despite the inherent possibilities for flexible program administration, bureaucrats tend to see educational improvement--in the purely technical sense--as the safest course.

Therefore, school administrators presume that better reading scores will lead to broader community development and eventual social change. Afram, like some other activist community-oriented research organizations, challenged this approach and insisted that improvements in childrens' schooling and general achievement were possible only as a consequence of overall community development. Thus, Afram cut through the usual ambiguity about the purposes of a Federal program and acted as an agent of more widespread social change.

The difficulties Afram subsequently ran up against with program officials strongly suggest that the current ambiguity of purpose in legislation by no means assures that social change will come about through a typical educational assistance program. Agency officials preferred to support field projects that defined educational improvement much more narrowly than Afram.

Available evaluative data are limited, but where Follow Through participation requirements are being diligently implemented, the picture is one of high levels of participation.

TITLE I

In 1965, Congress passed the landmark Elementary and Secondary Education Act--the culmination of decades of hitherto unsuccessful efforts to enact a large-scale support program for the elementary and secondary schools. The cornerstone of the new act, Title I, was a compensatory educational program for economically disadvantaged children. Unlike most of the other mid-1960's antipoverty programs, Title I did not include any specific participatory requirements, but Office of Education administrators encouraged parent and other community involvement. In Program Guide No. 46, 1968, the Office of Education recommended establishment of local advisory councils. Some districts followed this recommendation, but no figures are available on how many did.

Parent Participation Mandated

The 1970 revision of ESEA empowered the Commissioner of Education to require parent involvement, and, in fall 1971, Title I guidelines were amended to require districtwide parent councils--with parents constituting more than a simple majority--to participate in the planning, development, operation, and evaluation of the projects. Title I legislation was amended again, in the Education Amendments of 1974, to require both a district council and individual parent advisory councils for each school receiving funds.

The revised regulations by the Office of Education in

1976 for Title I state that each parent advisory council must have "as a majority of its members, (a) parents of children (including parents of private school children) who are currently participating in the program or (b) parents of children who will participate in the projects proposed for the following fiscal year, if satisfactory data is available to identify such children."15/ Members of the councils are to be selected by the parents in either the district or the school attendance areas. In addition, the regulations include an option for districts to have an intermediate parent council acting as a liaison between the school and the district council. Office of Education officials say that this option was included to provide a mechanism to parallel multilevel decentralization plans in cities such as Chicago, Detroit, and New York.

If the legislative language and regulations were fully implemented there would be at least 14,000 district-level, and approximately 50,000 school-site, parent advisory committees. The estimated average membership of these committees would be about 10 parents and an additional 5 other community residents and school staff, according to the National Center for Education Statistics, as of May, 1977. The total Title I PAC membership would be approximately 960,000 if all required councils actually existed.

Participatory Practices Vary

The structure of citizen participation in Title I begins with the National Advisory Council on the Education of Disadvantaged Children, which over the years has had distinguished educator leadership. However, few if any members have been chosen from the ranks of parents of Title I children. We have no evidence indicating the level of effectiveness or influence of this advisory council.

The State Education Agencies administer Title I funds and are charged with ensuring that local agencies establish properly constituted advisory councils both for the entire school district and for each of their schools, and that local agencies provide access to appropriate information as specified in the regulations. Some States have established State Advisory Councils for Title I, but apparently these have significant professional educator representation. Nothing in the literature reveals anything about the nature or impact of State Education Agency intervention in Title I. Our interview respondents reported scattered but relatively mild complaints from community organization representatives that the State seems to lack the will or the capacity to monitor the parent involvement aspects of Title I. Until further data are gathered, great variations in State practices and effectiveness must be assumed.

New Studies Underway on Title I Effectiveness

Few useful data about the nature, scope, and impact of the local Title I Parent Advisory Councils--whether districtwide or school-site--are available. Two evaluation studies that may correct this rather surprising deficiency are underway, but may not be reported for some time. The first is a general evaluation of Title I, commissioned by NIE and carried out by the Educational Policy Research Center, Syracuse University. This study will examine the parent committees specifically. The second--and even more relevant--is the "Study of the Impact of Parent Advisory Councils Upon the Management and Administration of Title I Programs at the Local Level," also commissioned by NIE.16/

A serious built-in problem should be noted, even as these potentially valuable studies are underway. Title I legislation has many ambiguities and omissions about parent involvement and PAC's; compared to either Head Start or Follow Through, Title I is a relatively unstructured program. State and local agencies are allowed a great deal of discretion. As the Kirschner Associates' proposal for the NIE study on impact points out:

> There are no clear cut expectations or requirements in the law with respect to the type of impacts that parent participation will bring. For instance, there is no specific expectation that parent participation will bring more efficiency to Title I programs, that children will have greater grade gains, that their health will be improved or that their status or behavior will be changed in any particular fashion. Consequently, we do not start out with precise effects of parent participation in Title I. 17/

Status of PAC's Across the Country

The impressions that follow should be treated as tentative and subject to revision as more data are gathered and analyzed in our study of three cities and in other studies.

Variations among States, among cities within States, and among individual schools are great. In some places, the Title I PAC's, whether districtwide or individual school, reportedly "hardly exist" except on paper, meeting only the letter of the Federal requirement. In many other places, the district PAC's exist and meet but are dominated by the central office administrators assigned responsibility for Title I. Similarly, many school-level PAC's are dominated by the building principal. As is true with other modes of citizen participation, the effectiveness of PAC's is strongly influenced by political variables--the history and tradition of political decisionmaking and school community relations in each school, district, and State. These distinct political climates affect the State agency staff members and the central office or building administrators who set the conditions which encourage or discourage various kinds of PAC roles, activities, and influence. These conditions include who gets administrative jobs and the behavior of those who do.

The staff of the AFSC-Southeast Education Program reports widely varying responses of State and local school officials to their efforts to provide training and technical assistance to local PAC's. In a few instances, several weeks passed before copies of the proposal and other vital program material could be obtained. In other instances, the local administrators had a positive attitude toward the development of more effective parent committees.

Los Angeles and New York

In our interviews Parent Advisory Councils (PAC's) almost never were reported as the most influential and politically effective citizen organizations; with the exception of people interviewed in Los Angeles and New York, not one respondent attributed such influence or effectiveness to them.

PAC's in Los Angeles

In Los Angeles, Area PAC's were reported by some respondents to be influential in budget and allocations, program coordination, and inservice training of school staff. The eight area committees are composed of representatives of the 185 local-site PAC's. The leadership of the District Committees meet occasionally as citywide "joint officers," but influence apparently resides at the intermediate level. In 1975, one District Committee succeeded in removing, from the Title I budget, a half-million dollar program of outdoor education which the district committee parents felt was not serving their children well; according to the Director of the District Advisory Program, Office of Urban Affairs, it was dominated by "middle-class white Anglos." District PAC's are also reported to influence staffing for the Title I program itself and, in some cases, to influence the removal or selection of a building principal. Examples were cited of area committee influences on curriculum (e.g., the selection of the reading program the parent members believed would be best for their children). Representatives of local PAC's said, "We know where to go to get what we want."

A few respondents believed that the area committees in Los Angeles had some influence on both the central School

Board and the Superintendent, but this influence was largely limited to the Title I proposal, budget, and program and did not extend to other policy or program areas.

The local PAC's are believed to be more active and effective than their counterpart citizen advisory councils which were mandated by the Board of Education in "non-Comp Ed" schools. The Title I councils have central office staff support, access to technical assistance and training, and one specific delegated authority--to sign or not to sign the Title I proposal (either at the school or district level).

The Urban Affairs Office, which administers most of the Federal programs in the central school district office, has 23 staff members serving Title I and other compensatory education programs, and one mid-level official assigned to work with the area PAC's. This contrasts to the remaining 300 non-Title I citizen advisory councils which are served by one central office administrator. The Title I PAC's can use Federal program money for training and workshops, including expenses of some council members to attend national meetings of the National Coalition of Title I Parents and State workshops of the California Association for Compensatory Education. Hence, the Los Angeles PAC's have access to a network of city, State, and national groups and services--and access not available to the non-federally funded councils.

One respondent from a citizen organization in Los Angeles reported that "PAC's have become the new PTA, only without the teachers." Most local school committees clearly turn their attention inward to the day-by-day service delivery and problem solving activities of the school. In many schools, participation is reported to be very high. One citywide organization leader pointed out that in black communities "parents are active only because of Title I."

There is one important racial/ethnic factor that emerged in our discussions in Los Angeles. Title I continues to be viewed by Hispanic community organization people as a black-controlled, black-run program, as contrasted to bilingual education with which they feel they have some influence.

PAC Activities Vary in New York City

In New York City, where Title I for elementary and junior high schools is administered on a decentralized basis, PAC activities and influence vary dramatically. In one district the PAC has a major influence on all Title I hiring. In another, the committee exists only when the principal wants to call on it for advice. In an interview study in 1976, Frank Reissman and Alan Gartner discovered that most of the district superintendents and principals consider parent participation a "non-issue." Superintendents regard themselves

> . . . as professionals who know how to conduct the business of schooling in the best interests of the community. . . Parents are important in the learning of their children and they are also important as part of the local administrators' clout with the powers that be, but they do not rule the school or the district. 18/

The school principals reflected the same attitudes. In their view, "parent participation" is either a useful political lever or a requirement to be perfunctorily met.

In marked contrast, one community district superintendent out of the five interviewed indicated that his district PAC had been active for a decade, met twice a month, and should be credited with success of the Title I program. In this district, the local school PAC's are reported to provide a forum for the exchange of ideas among staff and parents, to offer a framework for planning, and to identify local building needs for the district PAC. The president of the Community School Boards Association saw PAC control over Title I budgets as leverage for broader budget influence.

There are several citizen organizations in New York City that recognize the potential of Title I PAC activity and the inadequacy of current levels of effectiveness. Such groups as Parents for Education Action and United Bronx Parents provide information, assistance, and training to PAC members as a part of an effort to inform parents of their rights under Title I and to increase their effectiveness in planning and influencing the program.

Other Cities

In other cities our respondents offered surprisingly little information about Title I and PAC's. In Atlanta, one well-informed respondent indicated that "It's hard to find out about them (Title I Offices and District PAC's)." Another respondent said that "neither the Feds or the State department monitors. . . so we don't know what the PAC's are doing."

In Detroit, Houston, and Chicago, we found no evidence that PAC's at either the district or school level were active or influential. In Louisville and Boston, both of which are preoccupied with desegregation controversies, Title I activities appear overshadowed by Emergency School Assistance (ESA) and court-ordered councils. In San Francisco, the problem of overlapping and proliferating school-site councils and committees was identified, but was being resolved in some of the schools by umbrella committees which served a variety of State and Federal mandates.

We encountered one instance--in Boston--where a Title I parent advisory committee for an alternative subsystem in the late 1960's and early 1970's produced a cadre of parent leaders; they have since put the skills they developed in the PAC to use in the newly developed court-ordered parent councils and in citizen-initiated organizations. As occurred in Head Start, Title I parent activities may become an important source of further grassroots leadership.

In two cities, Atlanta and San Francisco, the superintendents expressed concern about the difficulties of integrating Title I with other school programs. In San Francisco, the problem of administrative control over the Title I unit in the central office was a major political issue.

Potential Strength of Councils

Despite the overall impression conveyed that parent committees in Title I are weak and professionally-dominated, the PAC concept in Title I may be a "sleeping giant" which can be roused as an effective vehicle for citizen participation in schools serving low-income children. There are three important national developments which are examples of intervention to empower PAC's.

The first is the National Coalition for Title I Parents, a private, citizen-initiated group which obtained a $200,000, 2-year grant from the Carnegie Corporation in the summer of 1976 and has opened an office in Washington with a small, full-time staff. The Coalition was established in January, 1973, at a meeting convened in Washington and paid for by the National Advisory Council on the Education of Disadvantaged Children. This was the first formal meeting between the Advisory Council and parent representatives.

The National Coalition operated as a small, informal group of active parents, using a mailing address borrowed from the Washington Office of the NAACP Legal Defense Fund, and the stationery and some support from the Lawyers' Committee for Civil Rights Under the Law.19/ One of the Coalition's most outstanding achievements was members' testimony before Congress when the extension of the Elementary and Secondary Education Act was being considered in 1974. These parents testified, and enlisted the help of other Washington groups with similar beliefs about citizen participation; they persuaded Congress to mandate parent councils at both district and school sites. The Coalition representatives argued against a proposal to drop the district councils in favor of school site councils. Their position was reflected in the resulting legislation.

Richard Fairley, the chief Title I administrator in the Office of Education, sent a program directive to all Chief State School Officers endorsing the conference and indicating that travel and living expenses of Title I PAC members would be a justifiable use of local Title I funds. Fairley's office later provided a $2,500 grant for a planning conference for the second national meeting. A third conference was held in 1976. These national conferences enabled the Coalition to develop and refine an organizational structure, including 10 regions coinciding with the HEW regions and a Board of Directors of 30 Title I parents elected in regional caucuses.

It is interesting to note that the National Coalition is one of the few national citizen organizations concerned with education which is governed by a board made up entirely of working class people directly affected by a Federal program. Some leaders of the organization fear that this lack of elite leadership may make it difficult to obtain funds from sources accustomed to dealing with elite boards and professional staffs. The first full-time director of the organization, Thomas Heatley, was a Head Start director in Buffalo--one of myriad examples of Head Start serving as a leadership training ground for other sectors of citizen participation. The Coalition's purposes, under their Carnegie grant, are to disseminate information in everyday language and to provide training and technical assistance to parents. In addition, the organization will sponsor regional workshops and follow the legislative process closely.

The second development is the Federal Education Project of the Lawyers' Committee, also funded by the Carnegie Corporation. The project both monitors and provides information for the administration of Title I in the Office of Education and in the HEW Regional Offices. Members provide encouragement, training, and assistance to local Title I PAC's, and publish a newsletter. They are prepared to litigate when necessary and use the media, in the standard fashion of advocacy groups, to spotlight failures to implement the law and regulations.

The third development is a new training and technical assistance program for Title I PAC's operated by the American Friends Service Committee--Southeast Program. It too is funded by the Carnegie Corporation. This effort, as contrasted to the two organizational efforts discussed above, stresses continuous, on-site assistance in 30 school districts in six southeastern states.

Each of these three programs is an effort to link PAC's to regional and national resources, to increase the information and organizational skill available to the local committees, and to increase the political awareness and influence of the parent groups.

Parent Action Caused Change in Louisiana

There are recent indications of some awakening of local PAC's, at least partly explainable by these citizen-initiated networking interventions. For example, the Federal Education Project reports that parent action has brought about substantial changes in East Baton Rouge Parish, Louisiana. In 1976, the district PAC was asked to study it and prepare recommendations. The school board subsequently approved the proposal despite parent objections. The rest of the story is recounted in the FEP Newsletter of November 1976:

> Over the objections of some Title I parents, the East Baton Rouge School Board voted almost unanimously to accept the Title I budget.
>
> Several members of the District PAC submitted a written complaint to Louisiana State Title I officials charging that the school system had failed to organize parent councils at some local schools and complaining about the district's lack of cooperation with the proper functioning of the PAC. This was the first official Title I complaint ever filed in the district.
>
> Shortly after this complaint was filed, activities involving parents suddenly mushroomed. For example, Title I parents attended training workshops conducted by staff from the Tulane University Educational Resource Center. A statewide Title I inservice workshop--planned and staffed to a large extent by Title I parents themselves and jointly hosted with the Louisiana State Department of Education--was held on September 16, 1977. The chairperson of the East Baton Rouge Title I District Advisory Committee presided over 200 parents, administrators and interested citizens throughout the State.
>
> In September, a large delegation of Title I parents and administrators attended the Annual inservice Training Conference of the National Coalition of ESEA Title I Parents in New Orleans. As a result of this extensive training, parents feel more alert, more informed and better prepared to help school officials

decide how Federal Title I dollars can best be used to improve the educational opportunities of students who are underachieving.

Not all the improvements in the parental involvement component of East Baton Rouge's Title I program have concerned training. The position of parent information agent was recently created by the district.

In addition to distributing program information to Title I parents, including a monthly newsletter, the parent information agent is the contact person for parents and school principals interested in publicizing activities and important accomplishments in newsletters and newspapers; he also handles radio and television broadcasts. Small cluster groups of council members, school administrators and staff have been established in five geographic areas of the district to increase activity at the grassroots level.

Last July, State Title I personnel investigating the complaint filed by members of the East Baton Rouge District Advisory Council acknowledged that the parents' concerns merited "consideration for improvement in Title I administration in the area of parent involvement." Through the efforts of concerned school officials, parents, and many other East Baton Rouge citizens, parent participation in this school district has been greatly strengthened and expanded.

PAC Complaint in Colorado Brings Results

In the Centennial School District in rural Colorado, a Colorado Rural Legal Services attorney aided the district PAC in filing an official complaint with the Colorado State Department of Education. The parents alleged that the PAC was not involved in the needs assessment or in developing the 1976-77 application, that they were given only one day to consider and review the proposal and that school officials had reworked the proposal after it had been submitted. This complaint has resulted in what the Federal Education Project describes as "a new partnership with the school officials." The Superintendent admitted to the charges and has moved to establish improved communication with and a larger role for the PAC. According to FEP, the PAC has increased its activities and influence markedly. FEP project staff reported in an interview that they have visited other towns in rural Colorado and encouraged PAC member participation in the fall 1976 conference of the National Coalition.

Thus it seems that the intervention and collaboration of private citizen organizations may be more likely to produce timely results than assistance from either Federal or State officials. However, a few States--California and Colorado among them--are providing some staff assistance to improve the effectiveness of PAC's. The Office of Education has assigned two staff members to devote time to working on parent involvement in Title I. But it is unlikely that the Office of Education can provide rigorous leadership, as it traditionally has been far more responsive to provider interests (e.g., those of school superintendents, chief State school officers, teacher organizations) than to consumer interests. About five years ago, the Washington Office of Title I produced a useful handbook for PAC members, but bureaucratic caution may block more aggressive and continuous efforts to activate parent influence in the program.

Title I Gives Impetus to Low-Income Citizen Groups

This discussion of Title I's operation in a variety of locations and situations produces a few general impressions which we will examine more closely in the course of our current studies in Atlanta, Boston, and Los Angeles. First, Title I and its parent advisory mechanisms operate as a relatively separate and closed system within a large school district. Title I PAC's and their parent members tend to focus very tightly on Title I concerns alone which isolates them from related school activities; this parallels the isolation of Title I administrators in central school districts and State education agencies. Second, the existence of several separate advisory committees mandated at different government levels produces confusion, a drain on time and limited resources and some inter-council conflict (i.e. Title I vs. Bilingual Education). Third, while Title I participatory mechanisms, operating at both citywide and at the local school level, have the potential for high levels of impact--both in the shaping of policy and in the delivery of services to the schools--only rarely do they achieve this potential. This is due, in large measure, to the combination of an unclear mandate and a lack of resources.

Because of the eligibility requirements of Title I, the low-income citizens who participate in its operation are those most directly concerned with the progress and final outcome of programs involving their children. Therefore, in essence, Title I set a precedent by its insistence on parent participation rather than that of other community residents. These programs serve three disadvantaged target populations: poor children, non-English-speaking children and Indian children. Parents of these children, low-income people who, historically, had not participated effectively as organized citizen groups are now, largely due to Title I impetus, serving in substantial numbers as members of local advisory committees.

GENERAL PATTERNS AND LIMITATIONS OF FEDERAL INTERVENTION

In summary, this study reveals that the most important points of action--and therefore successful citizen participation or its reverse--occur at the local level. A review demonstrates the following general patterns and limitations:

1. Nine Office of Education programs require a continuing advisory committee at the local level. These programs are: bilingual education, education of disadvantaged children (Title I), Follow Through, Education of the Handicapped (three different programs), Supplementary Education Centers and Services (ESEA, Title III--which has been terminated by consolidation), School Health and Nutrition for Low-Income Children, Emergency School Assistance Act, Indian Education, and Ethnic Heritage Studies. Their committees are districtwide, except for Title I which requires both districtwide and individual school committees. However, some programs such as Follow Through, Teacher Corps, and School Health and Nutrition typically take place in one school or a cluster of schools in a district.

2. The most common approach in these OE-administered programs is to require evidence of consultation with client representatives in the process of proposal preparation. For example, one selection criteria for applications for grants in the Drop Out Prevention Program is "the extent to which the application has consulted dropouts and potential dropouts and their families and with interested members of the community and sought their advice on the proposed program."

3. The regulations for most of these programs stress membership requirements and committee composition. They are often very detailed and prescriptive on membership, and very vague and general in regard to functions and conditions of operation. For example, the Ethnic Heritage regulations specify that: (a) each of the ethnic groups with which the program is concerned be represented on the council; (b) more than one half of the membership of the council consists of community representatives of the ethnic group or groups with which the program is concerned; (c) the council is broadly representative of education and professional backgrounds relevant to the program, and at least one member of the council is

affiliated with an educational organization or institution and has expertise and experience in curriculum development, personnel, and/or dissemination of curriculum materials. The only language about function is that "an applicant for assistance under the act shall consult with the advisory council regarding the planning of the program and the preparation and submission of the application."

4. Student participation in advisory or consultative mechanisms is specified in just three cases (in all three, the specification is in regulations rather than the legislation itself): Bilingual Education, Drop Out Prevention, and the Emergency School Assistance Program. In the latter program, biracial student advisory committees are mandated.

As was the case with citizen participation mechanisms of the poverty program, lack of clarity about mandate and lack of clear overall coordination of participatory structures leads to difficulties at the local program level. With regard to function:

5. The clearest and most consistent Federal policy is that local-level citizen participation should be advisory in function. With the exception of Head Start, requirements are for advisory or consultative roles.

However, "advice" or "consultation" can have many meanings. Some precision could be achieved by specifying and anticipating clear lines of communication, authority and accountability between program advisory committees and others involved in school governance and program administration. But, there is no recognition in any legislation or regulations of:

6. The possibility of overlapping, duplicative or contradictory participatory requirements or advisory committees, and no specifications or guidelines as to how such problems might be dealt with should they occur.

7. The possibility of conflicts between advisory groups and administrators or school boards and how such conflicts are to be resolved.

Federal Initiatives Hold Promise

Despite all these limitations, mandated advisory mechanisms have considerable unrealized potential as a means for citizens to share authority for decisionmaking in the schools. To become effective, these councils need staff, access to information, training, and outside help. School professionals also need encouragement, training and assistance. In order to share more authority with citizens, educators must learn new roles and acquire new skills. More effective relationships between citizens and educators in decisionmaking are likely to occur when both parties are operating from positions of parity and mutual respect. The chief barrier to effectiveness of mandated citizen groups appears to be the lack of power and resources.

In this respect, Federal initiatives in education surveyed in this chapter have resulted in some important precedents. For example:

8. Together with Head Start, the most promising regulations are those for Follow Through, included in the 1964 Economic Opportunity Act and initially administered by the Office of Economic Opportunity.

9. Several laws and regulations now have specific references to the needs or rights of advisory committees for information, training, or assistance, as in Title I, Follow Through, several parts of the Handicapped Act, and [illegible] Education.

The foregoing [illegible] primarily for its depiction of the [illegible] and diversity of Federally mandated programs.* The [illegible] numerous examples of State intervention [illegible] linkages between Federal and State requirements [illegible] be discussed in the chapter which follows.

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* An appendix to this report (available as a separate publication on request and at cost) presents a listing of all the current Office of Education programs with the specific legislative and regulatory language which deals with citizen participation. A total of 106 programs are listed. In 77 of these programs, the legislation itself has a participatory component; in 54, the regulations contain such language. In most instances, there is provision in both the legislation and the accompanying regulations. Only 33 programs have no participatory language either in the law or regulations. Of these, 21 are higher education programs such as work-study and basic opportunity grants, and 3 are library programs. Only 5 are specifically for elementary and secondary education: Impact Aid, one small program for deaf children, Metric Education, Education for Gifted and Talented Children and Youth, and a small school arts program.

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STATE LEGISLATION FOR CITIZEN PARTICIPATION IN EDUCATION

by Miriam Clasby

The expansion of the State role in education reflects general increase in State powers. Since World War II, for example, States have assumed major new responsibilities in the area of human services.1/ The growth of State government tends to limit local autonomy and shift traditional State-local relationships. In education, initiatives for school consolidation, collective bargaining, and school finance reform illustrate State-level actions which affect local decisionmaking and influence the roles of citizens in the decisionmaking process.

State Impact on Local Districts

Between 1950 and 1974, State interventions to consolidate rural and town school districts reduced the number of public school districts by more than 80% (from more than 84,000 to approximately 16,000). This restructuring reduced the number of school board members and increased the number of constituents each member represented, paralleling similar efforts at centralization within urban districts.2/ It was supported by the same reform forces and it appears to have had roughly the same effects: centralized and bureaucratic school management, strong professional domination, increased costs, and greater separation between citizens and the schools.3/

More recently, about two-thirds of the States, chiefly in the North and West, have established bargaining rights for teachers and other employees.4/ Such laws increase the power of employee organizations to influence school officials at the local level and educational policies and practices at the State level. The adaptation of the private sector model of bilateral bargaining to the public sector has tended to create yet another barrier to public access to policy influence in the schools.5/

Finally, States are assuming a larger portion of the costs of operating public schools. The State share of local public school costs has risen from a national average of 40.5 percent in 1961-62 to 47.5 percent in 1976-77. 6/ Recent court challenges to inequities in school finance have placed the burden of reform at the State level and revisions of school finance patterns work to increase the percentage of State support. The growing sophistication of legislators in the area of education and the resulting increase in laws and oversight activities suggest that State influence on educational policy and practice is not likely to diminish.7/

UDO 18793

Federal Influences on the States

The expansion of the State role in education, however, has been strongly influenced by Federal funding and priorities for education. For example, by 1968, The Elementary and Secondary Education Act of 1965 (ESEA) was channeling more than one billion dollars through the States to support a range of Federally-initiated (and frequently locally operated) programs. At this stage, more than 41 percent of all State Education Agency expenditures, including salaries, were Federally-funded.8/ Agencies' staffs expanded dramatically, as some State Education Agencies became organizational replicas of the U.S. Office of Education, while others forged new structures to coordinate new administrative tasks.9/ Although a few specialized studies analyze Federal influences on State educational policy and practice, the body of literature on the topic is notably thin, offering a weak data base for assessing the effects of Federal interventions.10/

In this examination of State initiatives to encourage public participation in educational decisionmaking, special attention is given to identifying links between Federal and State priorities for participation. The bulk of Federal educational funds at the elementary and secondary level are focused on the goal of equity: enhancing opportunities and services for target populations not well served by the existing system (low-income, bilingual, migrant, handicapped). Administrative requirements establish mechanisms, chiefly advisory councils, for the involvement of those served by these programs.

In addition, however, Federal efforts to encourage efficiency often establish procedures for comprehensive and long-range planning at the State level. This emphasis also indirectly broadens opportunities for general public involvement. A number of provisions of ESEA (as it operated prior to consolidations in the 1974 Amendments) encouraged broad public involvement in goal setting and needs assessment. Title III funds for curriculum improvement required a State plan based on identified needs and goals. Title V, designed to strengthen State Departments of Education, placed priority on comprehensive planning at the State level. Other programs such as Adult Basic Education, Vocational Education, Special Education and Community Education also called for comprehensive State plans with review by Advisory groups. States responded with a flurry of activity--surveys, public opinion polls, forums, brochures, and publications.11/ Some efforts appeared to be mere formalities to comply with directives; others were more systematic processes which continue to shape State priorities and practices.

These two trends--the creation of local citizen councils and public participation in comprehensive planning--created new structures and established new functions for citizens. Both trends are clearly represented in recent State initiatives to encourage citizen participation in education.

Sources of Data

In February 1977, the Education Commission of the States, in conjunction with the Institute for Responsive Education, distributed a questionnaire requesting States to provide information on legislation, regulations, projects and studies related to citizen participation in educational decisionmaking initiated since 1970. The 27 responding States represented the 10 Federal regions and included both industrial and rural locales. The sampling, therefore, reflects a national cross-section. Seventeen States reported legislative action during that time period and 22 reported some type of action by the State Board of Education or the State Education Agency (Table 2.1). The first two sections of this chapter describe the legislation and the other types of State initiatives. Section III briefly summarizes strategies for implementation with specific details on the experiences of California and Florida. The final section identifies problem areas and explores prospects for citizen participation in educational decisionmaking in the States.

STATE LEGISLATION FOR CITIZEN PARTICIPATION IN EDUCATION

Requirements or incentives for citizen participation in education enacted through State laws represent a formal and authoritative intervention with State and local impact. Although this discussion includes a brief summary of legislation mandating participation in State-level groups, major attention will be given to laws affecting participation at the local district or school level.*

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*Two types of legislative-mandated groups will not be included in this chapter:

a) Advisory Groups for State-Administered Institutions. When States assume direct responsibility for administration (e.g. State schools for the handicapped or educational programs in correctional institutions), boards or advisory groups generally function as surrogates for local schoolboards.

b) Federally-required Advisory Groups. Programs funded wholly or in part by the Federal government generally require State Advisory groups. Except in special instances, noted in passing, these groups reflect Federal rather than State initiative.

Table 2.1--Responses to ECS Survey:
26 States and the U.S. Virgin Islands

State	Legislation	Agency Action	No pertinent legislation or agency action
Alabama		X	
Alaska	X	X	
Arizona	X (pending)		
California	X	X	
Colorado	X		
Florida	X	X	
Georgia		X	
Illinois		X	
Kansas			X
Louisiana		X	
Maryland	X	X	
Massachusetts		X	
Missouri			X
New Hampshire		X	
New Jersey	X	X	
North Carolina	X (pending)		
Oregon	X	X	
Pennsylvania		X	
Rhode Island	X	X	
South Carolina	X	X	
South Dakota	X	X	
Tennessee	X		
Texas	X	X	
Virginia	X	X	
Washington	X	X	
West Virginia	X	X	
Wyoming		X	
Virgin Islands		X	
	17 States	22 States	2 States

Legislation for State-level Participation

State-level advisory councils or committees represent a well-established tradition of appointing selected professionals and/or elite citizens to offer advice on a selected program or activity. Such groups have proliferated to such an extent that even individual States have difficulty in maintaining accurate records of membership and functions. Texas, for example, reports 23 State-level advisory groups; five of them include lay persons.

Because of the unreliability and unwieldiness of the data, three broad categories of this type of legislation will be identified and the varieties of groups functioning in Texas will be used as illustration:

1. Legislation Giving Broad Authority to the Chief State School Officer.

In 1975, the Texas legislature voted: "On recommendation of the commissioner of education, the State Board of Education may authorize the commissioner to appoint as many official commissions composed of citizens of the State as are necessary to advise the commissioner of education in the discharge of his duties." (Texas Education Code 11.35 (f)).

2. Legislative Initiatives for Advisory Groups.

The Advisory Council on Early Childhood Education, established by law in 1973 (Texas Education Code 11.17), was charged with the responsibility for assisting the State Board of Education to formulate minimum standards for quality of educational experiences in all public programs at the kindergarten grade level. The 24-member advisory group included 23 professionals or specialists and 1 parent of a child enrolled in a pre-kindergarten or kindergarten grade level program at the time of the appointment. Similarly, in 1976, the establishment of a program for gifted and talented students (Texas Education Code, Section 11.15.5) included provisions for an advisory council composed of 9 citizens of the State "who have demonstrated a competence for and an interest in the development of programs for the gifted and talented. Four members shall be appointed by the governor and 5 members shall be appointed by the commissioner with the approval of the State Board of Education."

3. Legislation Complying with Federal Directions or Directives.

Although this study does not focus on groups formed in response to Federal requirements, their multiplicity and durability deserve brief comment. Chapter 31 of the Texas Education Code (Technical Vocational Education Act of 1969) explicitly states the intent to comply in all respects with the Vocational Education Act of 1963 (20 U.W.C.A. Sec. 1241 et seq.). Specifications for the Advisory Council added in 1971 list 24 members to be appointed by the State Board of Education after recommendations by the governor and confirmation by the Senate. One of the 24 members is designated as "representing the general public."

More commonly, however, the State Board of Education itself establishes advisory committees to fulfill Federal requirements for public participation in the development of State plans. The Texas State Board of Education has, for example, authorized State-level advisory committees on Special Education (1970) and Career Education (1971) to comply with Federal Regulations. In both cases, the Board specified that membership was to include parents or representatives of parent groups.

Texas is not unique in establishing a multiplicity of State-level groups. The State of Washington, for example, reports 13 task forces or councils, some legislated, some not; South Dakota identified 14 advisory groups; Illinois listed 14 groups, describing this as a sampling. With laws or without them, States have created a vast array of State-level councils and committees--apparently fragmented, unrelated, and potentially competitive.

Though this review focuses on legislation emerging since 1970, brief note should be made of the legislation for State-level textbook selection committees. The Texas textbook committee was legislated in 1949 (Texas Education Code, Section 12.11) and its 15 members are specified as public school teachers and administrators. The 3 other States reporting legislation for textbook selection committees have different membership requirements.

ALABAMA In 1940, (Code of Alabama, Section 433 (19), Title 52), Alabama included 2 non-educators among the 16 members.

GEORGIA Through an action of the Board of Education, the Georgia Textbook Advisory Committee gave voting privileges to 5 lay members of the advisory committee in January 1977.

OREGON In 1975, Oregon legislated major revisions in the State Textbook commission law (HB 3158, Ch. 754). In addition to changing textbook selection procedures, the law expands commission membership from 5 to 7 and includes a public member. Local districts may request approval for textbooks which meet State criteria and citizens may be involved in the local selection process.

VIRGIN ISLANDS The Virgin Islands also reported the creation of a 10-member Inter-Island Textbook Committee, effective April 1975, specifying that one member be a lay person resident of the islands and one member a senior high school student.

In textbook selection, as in other tasks, a trend towards broader public representation can be perceived. Attention of such State-level groups is, however, centered on specific areas. For example, Maryland legislation of 1975 (HJR 77. Res. 63) established a task force to study the serving of nonnutritive foods in public schools--it included parents, students and other citizen groups. These slight shifts in membership or focus do not substantially change the "blue-ribbon" character of State-level groups. Selected citizens are invited to participate in narrowly circumscribed arenas of action. Professional control is ensured, even though membership is not totally exclusive.

Legislation for Local-level Participation

Legislation for citizen participation below the State-level substantially increases the base of participation by expanding the numbers of citizens involved. Given traditional commitments to local autonomy in the operation of schools, legislative initiatives in this area hold special significance.

COLORADO The Colorado Accountability Act of 1971 holds a unique position because it establishes local-level advisory councils (which must include at least one parent and one taxpayer) to make recommendations to the school board about the accountability program. This reflects a long-term comprehensive planning effort (22-7-104 Colorado Statutes 1971).12/ No other State action so explicitly links the council structure with a comprehensive planning process.

Most State legislation for public participation falls into one of three categories: single purpose structures, general purpose structures, or broad involvement in planning/evaluation. (Table 2.2)

Single-Purpose Structures

State laws creating single-purpose, local structures at the local level reflect the Federal pattern of "target population" councils rather than the State pattern of "blue-ribbon" groups. Four States--California, Massachusetts, Table 2.2--Response to ECS Survey: State legislation for citizen participation in education

		Local-level participation		
State	State-level participation	Single-purpose structures	General-purpose structures	Involvement in planning/ evaluation
Alaska		X	X	
Arizona			X(pending)	
California		X		X
Colorado	X		X	X
Florida			X	X
Maryland	X		X	
N. Jersey		X		X
N. Carolina				X(pending)
Oregon	X			
R. Island		X		
S. Carolina	X		X	
S. Dakota	X			X
Tennessee		(X)		
Texas				X
Virginia				X
Washington				
W. Virginia	X			

New Jersey and Rhode Island--report legislation for Bilingual and/or Special Education which also mandates local-level advisory groups composed of those receiving services.

Alaska reports two variations of single-purpose councils: legislation establishing the Community Schools Grant Fund requires that local district applications for grants include a provision for community school advisory councils (Section 1 Ch 103 SLA 1975). Other legislation permits creation of a committee to involve young people in school governance. The group has responsibility for recommending to the board "promising young men and women" from whom the board may select interns and youth-voting members of district committees or other advisory groups.

A Tennessee law with local-level impact for a single purpose does not fit neatly within these categories. This law (Acts 1973, Ch. 189 Section 1) permits parents to assist as volunteers in local schools; an amendment of 1976 removes a previous restriction which had limited the amount of time to one hour per month.

General-Purpose Structures

Alaska, and two other States, recently passed legislation for local-level structures with a general rather than a single purpose:

ALASKA In 1974, Alaska authorized advisory school boards in borough school districts (am Sec 1 ch. 81 SLA 1974). Borough school districts hold the right to prescribe by regulation their manner of selection, organization, powers, and duties.

FLORIDA In 1974, Florida enacted legislation creating school or district advisory councils across the State. Responsible to the School Board, the councils are required to prepare an annual report of education progress (Section 2229.58, F.S. 1974).

MARYLAND A Maryland law of 1976 requires each county to establish a Citizen Advisory Committee or Committees to advise the Board and to facilitate its activities and programs in the public schools (Sec 49, Art. 77, Public School Laws of Maryland).

Local Participation in Planning Evaluation

Finally, eight States report recent legislation which does not specify a council structure, but which mandates citizen involvement in planning or evaluating school programs:

NEW JERSEY

Under court order to develop a plan ensuring "a thorough and efficient education" for students, the New Jersey Legislature has required citizen involvement in district and school goal-setting (Public School Education Act of 1975 (NJSA 18A:&a-1 et seq. and NJAC Title 6 Sub-title B)).

CALIFORNIA

Two California laws require parent involvement in planning and evaluation. The 1973 legislation for Early Childhood Education mandates parent involvement in classroom program and program evaluation (Ch 1147 Sec 6445.2 and .4). Legislation enacted in 1976 to specify high school graduation requirements calls for active involvement of parents in adopting alternative means for students to complete the prescribed course of study (AB 3408).

TEXAS

Texas House Bill 1126, enacted in 1975, indirectly provides the base of a strong State stand on participation. The bill asserts that "programs and services in schools should be suitable and appropriate to the educational needs of the students served." At the same time, it makes accreditation by the Texas Education Agency a condition for receiving State funds. The connection between the two provisions rests on the fact that State standards for accreditation require public involvement in goal-setting for the district.

WEST VIRGINIA

A similar link between funding procedures and State regulations appears in West Virginia where House Bill No. 214, enacted in 1973, provided a flat grant of $200,000 (plus additional increments) to each county board of education for school construction and renovation, contingent upon submission of a comprehensive county plan. In 1974, the State Board of Education set forth procedures to ensure public participation and voice in the development of comprehensive plans.

SOUTH DAKOTA

In 1976, the South Dakota House and Senate passed Concurrent Resolution 511 which encourages broad citizen involvement in planning and program development. Districts are required to make an annual report on compliance to the State Superintendent of Education.

VIRGINIA

Virginia, in keeping with provisions of the State Constitution, revised State Standards of Quality for Public Schools in 1976, and specified public involvement in the development of a six-year education plan in each county.

NORTH CAROLINA Legislation introduced in March 1977 by the Governor of North Carolina (Senate Bill 237: "An Act to promote and provide for community involvement in the use of Public Schools") includes provisions for the allocation of funds to local boards of education for staffing and other expenses related to the development of local advisory councils and increased public involvement in schools.

SOUTH CAROLINA A bill introduced in March 1977 by the Governor of South Carolina, (and subsequently enacted July 1, 1977) proposes school finance reform measures with provisions for local school advisory mechanisms.

Some of these laws require or encourage the development of local-level structures for participation which increase the numbers of participants and their scope of activity. In these laws, the local school advisory committee, roughly built on the Title I Parent Advisory Council model, is the predominant mode of citizen participation in the schools in the mid and late-1970's. Other laws represent extensive and varied initiatives to stimulate involvement in planning and evaluation of school programs, without prescribing mechanisms by which this will be done.

STATE BOARD/EDUCATION AGENCY ACTIONS

All but five of the responding States (Arizona, Kansas, Missouri, North Carolina, and Tennessee) included documentation of activities at the State Education Agency level. Both the amount and type of activity vary widely--from simple creation of State-level advisory groups (Louisiana) to multiple and wide-scale comprehensive planning efforts (California and Florida). The following summary identifies a range of activities:

ALABAMA School Board of Trustees: In 1971, the Board of Education instructed the State Superintendent to encourage local superintendents of education to carry out a 1940 State law for a three-member Board of Trustees for each public school. Trustees, nominated by the patrons of the school, have the responsibility of looking after the general interest of the school, caring for school property, and reporting to the County superintendent of education on the progress and needs of the school and the will of the people in regard to the school.

ALASKA

Professional Evaluation: Each school district is encouraged by regulation to invite, obtain, and consider community input in the design of the procedures and content to be used in evaluating professional employees (4 AAAC 19.050 (d)).

Program Planning and Evaluation: During the first three years of a newly established school, the chief school administrator of a district shall assure maximum ongoing local community participation in the development, preparation and evaluation of the education plans required by this section (4 AAC 051070 (c)).

CALIFORNIA

Consolidated Categorical Aid Programs: Schools and districts receiving funds from Federal or State categorical programs are required to plan comprehensively for the use of such funds. In addition to calling for involvement of parents, teachers, and community members in planning, implementation, and evaluation of the comprehensive programs, the regulations require both school and district advisory councils. Councils are to be representative of the population served, with parents constituting a majority of the membership. Districts are required to provide training for advisory members, and to encourage council participation in staff development activities (Title 5, 3930 (a) (b) 1976).

California's Joint Committee on Education Goals and Evaluation, created in 1970 by Assembly Concurrent Resolution, has focused attention on goal-setting and assessment activities. Three publications have resulted: Education for the People, Volumes I and II, provided guidelines to assist school-communities and districts in setting communitywide education goals. Volume III, a Handbook for Determining School Effectiveness, published in 1976, presents the phases of education planning, implementation, and evaluation required to meet the goals.

FLORIDA

Implementation for Legislation: In carrying out a variety of legislative mandates for increased public participation in education, the State education agency has engaged in a variety of activities: sponsoring workshops to develop minimum performance standards in basic skills (1976); surveying a wide cross-section of citizens in order to produce Florida Basic Education: A Task Force Report (1975); and providing technical assistance for developing programs of citizen involvement in early childhood and basic skill programs.

GEORGIA

Revision of School Standards: At the direction of the Board of Education, the Department of Education is engaged in an 18-month project to revise school standards. An announcement of February 2, 1977 indicated that the lay public and the total Georgia education community will be encouraged to provide input.

1977 Governor's Conference on Education: Governor George Busbee, in a letter of March 15, 1976, invited citizens to develop mechanisms at the local-level to reexamine education goals. The discussions which are expected to set goals for study achievement are also expected to produce greater understanding and communication among educators and the community. Results will be shared at the 1977 Governor's Conference on Education.

Public Service Announcements: State Superintendent of Schools, Jack P. Nix periodically issues both public service announcements and press releases to encourage parent involvement in education. One press release noted that the State had received an NIE grant of $690,123 for a 30-month study to encourage local school systems to begin an ongoing process of evaluation of instruction in relation to student achievement, a process involving the community in each participating system--"Parents, teachers, and education administrators will work together in establishing education programs that best meet student needs."

ILLINOIS

Regional Citizen Advisory Councils: From 1971 to the present, chairpersons from 12 regional councils have met with the State Superintendent as a steering committee to determine issues to be discussed by council members within each region. Regional Councils helped develop a handbook, Because They Care: A Resource Manual for Volunteer Programs.

Linkages and Technical Assistance: The State Education Agency is represented on the Board of Trustees of the Illinois Citizen Education Council which assists local districts in forming citizen advisory councils. The Community Relations Staff of the Department provides technical assistance to LEA's to form citizens' councils and, in 1976, the Department cosponsored a workshop on citizen advisory councils.

Surveys and Forums: Since the formulation of Action Goals for the 70's and the series of regional forums to discuss the goals, the State Education Agency has continued to solicit public opinion on education. An Agency Educational Attitudinal Survey was conducted in 1974 to develop a base for evaluating existing programs and planning new ones, and an Educational Priorities Opinionnaire was administered to citizens in 1974-74 and the responses were used to guide the new State Board of Education.

LOUISIANA

State Level Advisory Councils: The Board of Education has appointed State-level councils with citizen representation on drug abuse, early childhood education, and school health programs.

MARYLAND

Surveys: A 1972 study of State goals for education involved 20,000 citizens in validation of goals of public education and identification of critical needs. In 1976, a study using the Delphi technique for future forecasting was used to establish education goals for the next five years.

MASSACHUSETTS

Regional Centers. In 1967, Massachusetts initiated a process for regionalizing the State Education Agency. By 1972, when the six regional offices were operationalized, the design included provisions for Regional Advisory Councils composed of both professionals and citizens. At the direction of the State Board of Education, council members engaged in further refinement of council functions. By 1975, the councils were designated as Regional Education Councils with responsibilities for proposing and reviewing State education priorities, as well as proposing and responding to State agency legislative initiatives.

Handbook. In 1974, the Massachusetts Advisory Council on Education, a research arm of the legislature, funded a project aimed at assisting professionals and citizens in school-community collaboration. The Institute for Responsive Education met with administrators and citizens in the six regions and produced a handbook and a resource directory, *Together: Schools and Communities*, which was distributed to school board members, school administrators, and parent groups.

NEW HAMPSHIRE

Involvement in Staff Development Master Plan. Certification Standards for Educational Personnel, issued by the State Board of Education in July, 1974, call for a Local Master Plan identifying needs, objectives, activities, and evaluation procedures. A local staff development committee which includes parents is to be elected from peer groups.

NEW JERSEY

Adoption of Courses of Study and Instructional Materials. Administrative regulation to enhance quality in education programs (N.J. Administrative Code Title 6, Education, Subtitle A, 64-1.1 et seq.) require local Board of Education to adopt and approve programs designed to eliminate discrimination and promote intergroup understanding. Community involvement in the process is encouraged.

School/Community Relations Program. Commissioner Fred G. Burke created "Project Harmony" to provide information and technical assistance to desegregating school districts by increasing the quality and extent of community support and involvement.

OREGON

Revision of Goals. Since 1971, Oregon has been engaged in a large-scale revision of State goals and planning procedures. After three years of study which included 29 public hearings, the State adopted revised minimum standards for Oregon public schools. Revisions of the standards adopted in 1976 placed greater emphasis on community involvement in planning local education goals and on reporting students' progress in the goals to parents and other members of the community.

Publications. Three publications are designed to provide assistance. *Planning the Education of Oregon Learners* includes two pamphlets: "Setting Goals" reported the process of developing Statewide goals which were identified as competencies, and outlined local procedures for goal-setting; "Completing the Management Cycle" described procedures for assessment, operation, and evaluation. Both were funded under ESEA, Title V, Section 505. *Schools and Communities: Setting Goals*, published in 1976 and funded by the Weyerhaeuser Company Foundation, provides case studies of seven school districts which engaged in school/community goal-setting activities.

PENNSYLVANIA

Citizens' Commission on Basic Skills. In 1973, Governor Milton Shapp created the Governor's Citizens' Commission on Basic Skills, which produced a report on the status of education in the State.

Project 81. In 1976, under the leadership of the State Education Agency, Project 81 was initiated to develop local 5-year plans for education. Local advisory groups constituted a major component of the activity.

RHODE ISLAND

Opinion Poll. In 1973, an opinion poll of 19,000 citizens (at a 79 percent return rate) was used to identify priority education needs in the State.

Local Planning and Assessment Process. On October 7, 1976, the Board of Regents adopted regulations for comprehensive planning at the local level. Guidelines call for broad public participation in establishing education philosophy and goals. Suggested mechanisms include survey data, advisory group feedback, and minutes of public hearings. The planning process is expected to form a cycle, repeated every four years.

SOUTH CAROLINA

Statewide Meetings on Education Goals. A series of meetings across the State was conducted by the State Department of Education during fall, 1976 to inform educators, officials and other citizens of the 15 proposed education goals for 1980.

"*Suggestions for Strengthening Advisory Committees*,". A publication supported by Federal funding was prepared in conjunction with a Superintendents' Seminar on the Utilization of Advisory Committees, sponsored by the Department of Education on March 4-5, 1975.

SOUTH DAKOTA

A Public Involvement Plan for South Dakota School Districts. Prepared by the Department of Public Instruction in 1972, this booklet provides follow up on Concurrent Resolution No. 511 which encourages community involvement in schools. The document describes the concept of task forces and outlines procedures for using task forces in local school districts.

TEXAS

Revision of Accreditation Procedures. Developing out of a State Board of Education commitment to accountability in 1970, new procedures for an accreditation planning process will be required for local school districts in Texas as of September 1, 1977. Described as a five-year cycle for focusing on priority areas, the initial step of Phase I is the "arrangement for constructive involvement of representatives of school and community." Both State and Regional offices will offer technical assistance for the accreditation process.

Policy Statement. The 49th Biennial Report of the Texas Education Agency 1974-76 opens with policy statements by M.L. Brockette, Commissioner of Education and Joe Kelly Butler, Chairman of the State Board of Education, emphasizing a State commitment to public involvement in education.

VIRGINIA

Planning and Management Objectives. Standards of Quality enacted by the General Assembly call for community participation in the development of a district six-year plan. In addition, the Board of Education adopted planning and management objectives for 1976-78. The first objective specifies that the principal shall involve the community and his or her staff in the preparation and implementation of an annual school plan.

WASHINGTON

Goal-Setting. In the spring of 1971, the State Education Agency used a modified Delphi technique to include a cross-section of citizens in identifying education goals for the coming decade. Priorities were set, consensus established, and minority opinions stated.

WEST VIRGINIA

Surveys. During 1974 and 1975 citizens responded to public opinion surveys on education goals for the State. Results were reviewed and revised by the Educational Assessment Advisory Committee. Goals were adopted by the Board of Education in February 1976, and were used to provide directions for agencies and individuals and serve as a basis for the State's education assessment program. Another survey conducted in 1976 and 1977 aimed to determine the opinions of various publics about who should be responsible for various tasks related to student learning. This study was an outgrowth of the Mid-Atlantic Interstate Project funded under ESEA, Title V.

Procedures for Participation in Educational Facilities Plan. In conjunction with legislation allocating funds for improving or constructing school facilities, the State Board of Education, in May 1974, adopted procedures urging counties "to take full advantage of citizen participation through forming advisory committees, study groups, PTA organizations, etc., in the preparation of their comprehensive plans."

WYOMING

Guidelines for Local District Education Planning. In Memorandum #689, State Superintendent Robert G. Schrader informed district superintendents of State Board requirements for comprehensive planning procedures to be initiated by September 1, 1976. Guidelines specify that the local community must be involved in the needs assessment process.

Technical Assistance for Comprehensive Planning. In an update on the planning requirements, Department of Education staff reported on the status of planning in local districts and described direct services, workshops, and other assistance provided by the State agency to local districts.

VIRGIN ISLANDS

Steering Committee. The Commissioner of Education has formed a steering committee, composed of Department of Education personnel and nondepartment citizens, and charged with determining specific programs and courses of action to implement the policies of the department.

Wide Variety of State Activities to Increase Citizen Access To Educational Bureaucracies

The strongest conclusion that can be drawn from the preceding data points to quantity: a number of states are engaging in a wide variety of activities to increase citizen access to educational governance structures and administrative bureaucracies. The story the documents tell is remarkably similar to that of Federal-level initiatives dealing with planning and participation. Just as Federal requirements established councils or committees, so has State action. At the State level, membership is rigidly prescribed; at the local level, membership may be more open, but functions are restricted. The emphasis is on advice and consultation. There is, however, often encouragement for broad participation in comprehensive planning at the State or local level. Although the planning process may include four, five or six steps in a cycle from goal-setting through implementation, evaluation, and redesign, except for Colorado, guidelines rarely allude to public participation after the first phase.

The matrix depicted in Figure 2.3 offers a tentative categorization of activities based on numbers and range of participants and scope of activities. The range of participation - restricted vs. broad - refers to both the number of participants and the range of interests and constituencies represented. Sphere of action refers to a full range of functions from simply receiving information to shaping decisions. Four broad types of participatory activities can be identified:

1. Restricted Participation/Restricted Sphere of Action: Blue-ribbon, State-level advisory groups typically function in selected programs or activities.

2. Restricted Participation/Broad Sphere of Action: Selected members of regional educational councils typically address general policy issues (e.g. Massachusetts, Illinois).

3. Broad Participation/Restricted Sphere of Action: Multiple publics are typically involved in needs assessment or goal setting activities.

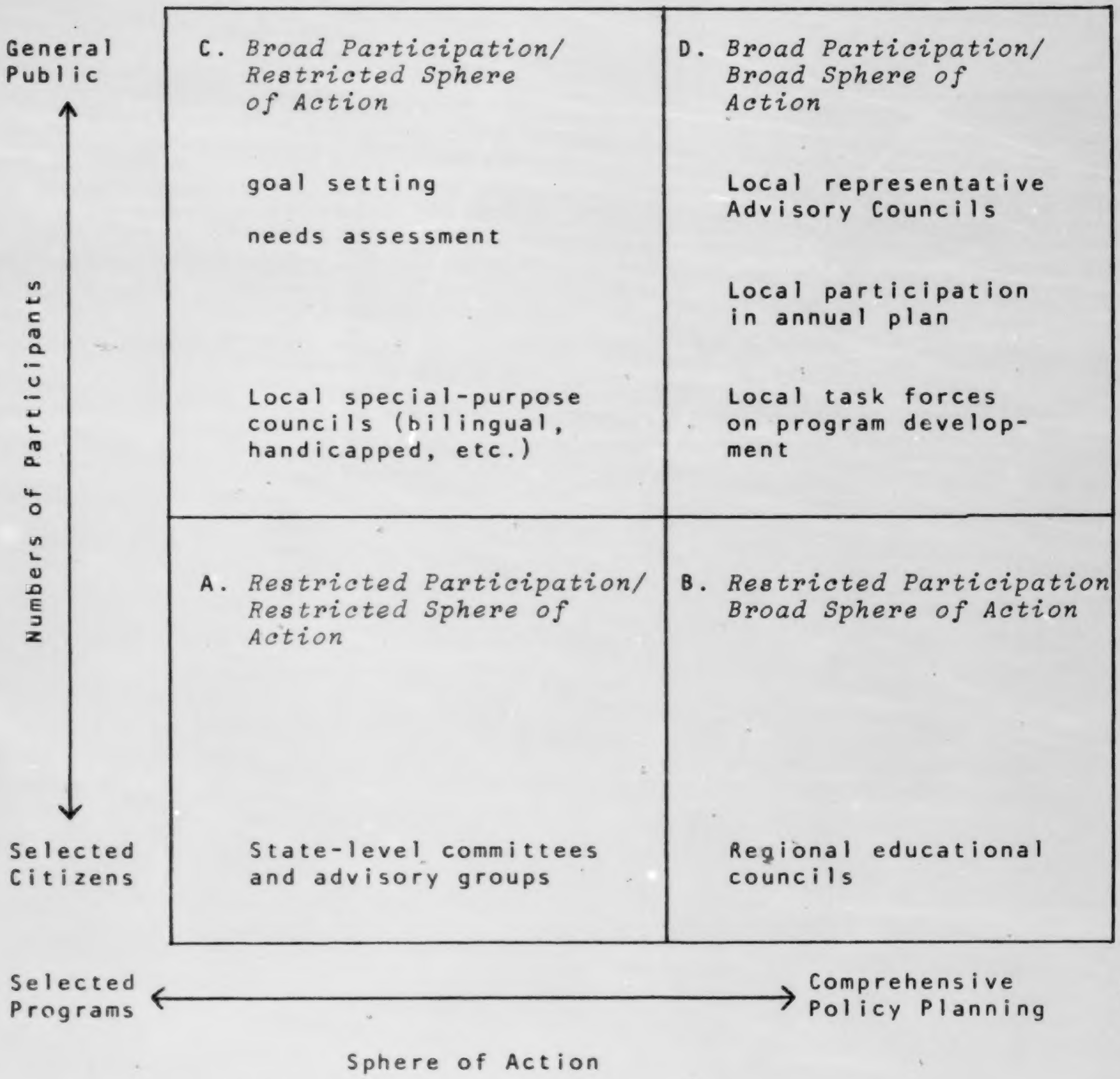
4. Broad Participation/Broad Sphere of Action: Although a variety of activities can fit within this category, maximum participation occurs when local advisory councils clearly represent a full range of constituencies and address the full spectrum of school policy and practice.

Such categorizations must remain at a conceptual level, however, because the documentation from which they are derived provides little information on the basic intent of the pattern and no details on the realities of implementation.

STATE INITIATIVE FOR CITIZEN PARTICIPATION: STRATEGIES FOR IMPLEMENTATION

An overview of the State regulations and implementation strategies in documents suggests that, in general, the designs of implementation strategies have the same flaws as Federal ones. A commitment of public involvement is announced--without technical assistance or support for administrators or the public, often without monitoring or evaluation; often without funding. There are exceptions. Colorado, for example, in implementing 1971 legislation for accountability has required that local advisory councils participate in an eight-step planning process and

Figure 2.3 - Patterns of Participation in State Initiatives*



Numbers of Participants	Selected Programs ← Sphere of Action	→ Comprehensive Policy Planning
General Public	C. *Broad Participation/ Restricted Sphere of Action* goal setting needs assessment Local special-purpose councils (bilingual, handicapped, etc.)	D. *Broad Participation/ Broad Sphere of Action* Local representative Advisory Councils Local participation in annual plan Local task forces on program development
Selected Citizens	A. *Restricted Participation/ Restricted Sphere of Action* State-level committees and advisory groups	B. *Restricted Participation Broad Sphere of Action* Regional educational councils

*Adapted from a matrix designed by Maureen Webster and explicated in Miriam Clasby, Maureen Webster, and Naomi White, Laws, Tests and Schooling: Changing Contexts for Educational Decisionmaking (Syracuse, N.Y., Educational Policy Research Center, 1973), pp. 137-145.

report on progress to the community and to the State Board of Education. The Department of Education offers technical assistance and monitors compliance. In addition, Massachusetts, California, South Carolina and South Dakota have produced publications to assist local collaborative efforts. Three states--Texas, Wyoming and Illinois--describe provisions for technical assistance. South Dakota, Virginia and Florida have specific monitoring or reporting requirements. A few states have made some type of link with funding, but only the California Early Childhood Education laws give the parent advisory committee a budget under their control, and, thus, some resources.

Because of the limited data available in documents, supplementary field data from California and Florida offer a richer perspective on the experiences of innovation and implementation. Both States have pioneered efforts to equalize educational opportunity by mandating for comprehensive planning and public involvement in education decisionmaking. During the past decade, both States have legislated new procedures for the delivery of educational services to meet individual student needs. In addition to programs for compensatory and bilingual education and education for the handicapped, these laws have addressed: school finance reform, instruction in basic skill areas, minimum standards for student achievement, State assessment programs, and early childhood education.

Distinct Modes of Development in Florida and California

In each case, however, the unique political and social culture of these two States has produced distinctive modes of development. The Florida approach, as described by a senior staff member of the State's Senate Committee on Education, can be seen as holistic. In 1973, the Legislature moved toward more flexible program funding, better reporting of and accountability for results in the schools, and a system of citizen advisory committees. The package was designed to encourage better school/community relations and to improve understanding of and support for educational funding and programs. That 1973 legislation looked both backwards and forwards. The Associate Commissioner for Research and Development linked these laws with previous efforts to improve education by developing the policy and legal base from which professionals could operate. Those in leadership positions saw the need for a conceptual framework established by the State which could provide a basis for comprehensive policy reform. The 1971-72 Governor's Advisory Committee was responsible for major efforts to meet this goal. The development of new procedures for school accreditation, refinement of management information procedures, and shifts in financing preceded the 1973 legislation which synthesized many of these developments and included requirements for school advisory councils. Amendments legislated in 1976 further extended and refined purposes and procedures. Interviews with legislative and agency leaders affirm the view that the statutes currently in place adequately deal with the issues of equity, quality, and citizen involvement in education. However, others suggest that implementation has been weak.

California, on the other hand, while closely paralleling directions taken in Florida, has taken an "incremental" approach. As early as 1971, the Joint Committee on Educational Goals and Evaluation, under the chairmanship of Assemblyman John Vasconcellos, was working in conjunction with the Department of Education to provide guidelines and encouragement for school/community involvement in local goal setting. In an interview, State Superintendent of Public Instruction, Wilson Riles, described step-by-step moves to extend services to special populations, to strengthen instructional programs, and to build public involvement. Prior to the enactment of ESEA Title I, California's Compensatory Education guidelines included requirements for district advisory committees, with parents making up at least 51 percent of membership. The link between the improvement of educational services and participation is reflected in the later laws for bilingual education and education for the handicapped, and in the participatory requirements of the Statewide Early Childhood Education program. In Riles' opinion, these laws are designed to increase collaboration between professionals and citizens. Legislators and agency officials anticipate future laws to consolidate the gains made to date in school reform and in participation.

Striking similarities appear in the positions of lawmakers and administrators in both California and Florida. There is a basic assumption that citizen participation in education has been legitimized. California Senator John Dunlap and Assemblyman Vasconcellos agree that the question is no longer whether the public ought to be involved, but the shape and extent of this involvement. Despite some reservations about progress in Florida, personnel in the legislative and executive branches agree that the statute on participation is firmly in place. Furthermore, educational leaders in both States emphasize the need for some form of decentralization.

Although the connection between local comprehensive planning and local participation is well established in theory, both States share common problems related to implementation.

Key Legislators Provided Strong Leadership

In both States, key legislators have provided strong leadership for reform and for mandated citizen participation. Our respondents pointed to the need for continuing leadership by such legislators in refining the legislation and ensuring adequate monitoring. Both States have received strong encouragement and support from senior officials in the State Department of education. However, aggressive leadership at the State level in education produces tensions between legislators and agency administrators as well as among State and local agencies. Legislators tend to be skeptical that State agencies have the will or capacity to implement successfully the laws they pass; agency officials, while admitting the need for retraining and upgrading State agency staff, fear that legislators may have a simplistic view of the task and may underestimate the resources needed for implementation. Neither legislators nor agency officials have resolved the basic ambivalence between firmness and flexibility in laws or regulations. State leaders face the same dilemma as their Federal counterparts: narrow specifications for implementation create rigidities which hamper local initiatives and responses to local problems; vague or general directives simply affirm a desired goal without sufficient muscle to ensure compliance. In addition, State Education Agency staff face resistance from local districts who object to the inexorable escalation of regulations.

Neither legislators nor administrators receive substantial public support for their efforts to increase public participation in schools. In both States, interviewees commented on the absence of citizen groups advocating stronger requirements for participation. Those attempting to establish school site councils or school-based management are hindered by the well-organized resistance of educational professionals and, in some cases, of the established State-level parent groups. Apart from the California Association for Compensatory Education and the California League of Women Voters, we were told of no strong State-level organizations speaking for increased public participation, or monitoring the implementation of mandates for participation.

Collaborative School-Community Relationships Meet Obstacles

Equally serious obstacles are encountered in implementing imaginative and complex programs with requirements for participation. One obvious difficulty is the multiplicity of efforts. Both individual State programs and well-established Federal programs create groups to focus on compensatory, bilingual, early childhhod education, and education for the handicapped. Since these groups are added to the already existing PTA's, confusion and competition are almost inevitable. Individual successes however, can be identified.

In California, for example, developments in the Sunset-Parkside District of San Francisco, and the Site Advisory Council of the Washington Street School of the San Jose United School District, indicate that it is possible to create an umbrella group that effectively coordinates the activities of a range of special purpose councils. Visits to these schools confirmed the workability of such umbrella groups.

Other difficulties are numerous: a "grassroots" base of participation erodes quickly, if council members perform in isolation from constituencies, without accountability to others; skillful administrators can easily co-opt citizens who are producing reports that whitewash problem areas; wide variability of results makes it almost impossible to document success. The experience of the two States, which have played a leadership role in expanding public involvement in schools, indicates that there is no "instant success in the process of developing collaborative school/ community relationships."

A FINAL WORD: THE "EQUITY-EFFICIENCY" DILEMMA

The rapid growth of State activity must be taken seriously by those concerned about citizen participation in the schools. The emergence of the school advisory council as the primary mode of participation is especially significant. These school advisory councils are intermediate structures in the political process which open access especially to those previously excluded from decisionmaking. Elected officials, by definition, cannot adequately serve this purpose. The intermediate structure provides an area for information, exchange, debate, and negotiation of differences; it insures political vitality. Comprehensive planning addresses system efficiency -- the need to plan, manage and evaluate operations in a way which successfully translates decisions into action and services at the least cost. In the pursuit of equality of opportunity, the two are necessarily related. Political activism without adequate tools for implementing decisions can lead only to frustration. System efficiency based on decisions made without adequate representation of those to be served can only perpetuate existing inequities.

The council structures and the planning functions can, however, be mutually contradictory and, to the degree that short-term cost considerations dominate, they are in conflict. If there is integrity in the process of developing broadly representative structures which address serious educational issues with sophistication and sound judgement, both programmers and participants will devote substantial time and energy to tasks of organization-building, goal clarification, problem solving, and conflict resolution. If the major commitment is to a narrowly defined system efficiency, administrative resources will be invested in developing the minimal level of public support necessary for realizing predetermined goals.

Evidence from the States indicates, that except in a few rare instances, local participation in councils and in comprehensive planning follow two separate tracks: one emphasizes political vitality; the other stresses system efficiency. This division masks fundamental value commitments and makes it possible to ignore the latent value conflicts. As furtive as they may be, State efforts to integrate participatory structures and planning functions at least present an opportunity to confront one dimension of the "equity-efficiency" dilemma as it is posed for education today.

CHAPTER II - REFERENCES

1. See, for example, Daniel J. Elazar, "The New Federalism: Can The States Be Trusted?" *Social Policy* (spring 1974), and the 1976 policy reports produced by: The Institute for Educational Leadership, *Federalism at the Crossroads: Improving Educational Policy Making*; and *Perspectives on Federal Education Policy: An Informal Colloquium.* (Washington, D.C.: IEL., Suite 310, 1001 Connecticut Avenue, NW, 20036).

2. Jonathan P. Sher and Rachel B. Tompkins, "Myths of Rural and District Consolidation," *Educational Forum* (January 1977).

3. L. Harmon Zeigler and M. Kent Jennings, *Governing Amercan Schools: Political Interaction in Local School Districts* (North Scituate, MA: Duxbury Press, 1974). L. Harmon Zeigler, et al., "How School Control Was Wrested from the People," *Phi Delta Kappan*, 58, no. 7 (1977), pp. 534-40.

4. In most of the South, organized labor is relatively weak politically. Most of these States are several years away from collective bargaining legislation for public employees, including teachers.

5. Charles W. Cheng, *Altering Collective Bargaining: Citizen Participation in Educational Decisionmaking* (New York: Praeger, 1976).

6. U.S. Department of Health, Education, and Welfare, National Center for Education Statistics, *Statistics of State School Systems.* Washington, D.C.: U.S. Government Printing Office, 1977. As reported in *Educational Daily*, March 9, 1977.

7. Alan Rosenthal, "The Emerging Legislative Role in Education," *Compact* (winter 1977).

8. Mike M. Milstein, *Impact and Response: Federal Aid and State Education Agencies* (New York: Teachers College Press, 1976).

9. See, for example, Stephen K. Bailey and Edyth K. Mosher, *ESEA: The Office of Education Administers a Law* (Syracuse, N.Y.: Syracuse University Press, 1968); Jay D. Scribner, "Impact of Federal Programs on State Departments of Education," in *Education in the States: Nationwide Developments Since 1900*, eds. Edgar Fuller and Jim B. Pearson (Washington, D.C.: National Education Association of the United States, 1969)--focusing on ESEA Title III; and Joel S. Burke and Michael W. Kirst, *Federal Aid to Education: Who Benefits? Who Governs?* (Lexington, MA: D.C. Heath and Company, 1972).

10. A thorough review of existing documentation appear in Cecilia M. DiBella, "*The Role of the State Educational Agency in Educational Change: A Case Study of In-service Teacher Education in Rhode Island*" (Unpublished doctoral dissertation, Boston University School of Education, 1978).

11. Selected examples are noted in Miriam Clasby, Maureen Webster, and Naomi White, *Laws, Tests, and Schooling: Changing Contexts for Educational Decisionmaking* (Syracuse, N.Y.: Educational Policy Research Center, 1973), pp. 32-34.

JUDICIAL ACTIVISM AND CITIZEN PARTICIPATION:

A SURVEY AND ANALYSIS FROM 1970 TO PRESENT

by Felix V. Baxter

Locating Federal and State decisional law is often a time-consuming task, even for professionals trained in conducting such research. Analyzing the scope and extent of judicial decisions, once they are located, require even greater effort. This process can pose a formidable obstacle for the layman interested in locating such information and acquiring a basic appreciation of the broader implications of a single decision or series of decisions.

This note is designed to simplify that process for the reader of this report. The reader should beware that oversimplification can itself be a danger. Therefore, legal assistance should be obtained from qualified professionals, when information is sought on technical aspects of the decisions, or advice given to lay groups on the application of principles (articulated in these cases) to a particular set of facts.

State court decisions are cited to either a regional reporting system or a State reporting system. These reports can usually be located in local law school libraries or any other location where general legal research materials are compiled, including State-house libraries. In some cases, they may even be found in public libraries. The regional reporters cited in this report are Atlantic Second (A.2d) and Northeastern Second (N.E.2d). The State reporting systems cited are New York Supplement Second (N.Y.S.2d), Miscellaneous Reports Second (MISC.2d) and New York Reports Second (N.Y.2d). The numeral to the left of the reporter indicates the volume number, while the number to the right is the page. Thus, more detailed information on any of the reported decisions may be obtained simply by going into a library which contains these reference materials and requesting the location of the designated volume.

The Federal cases contained in this report are cited to Federal Supplement (F.SUPP.), Federal Reporter Second (F.2d), United States Reporter (U.S.), Supreme Court Reporter (S.Ct.), United States Law Week (U.S.L.W.) and Poverty Law Reporter. The Federal reporters are generally located with State and regional reporters. The same rules apply with respect to the numerals which precede and follow the

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Federal reporter citations.

The Federal cases contained in this study are discussed primarily in the context of the Federal judicial circuit in which they were decided. The United States is divided into eleven Federal judicial circuits. This method of analysis - focusing on judicial circuits - serves two useful purposes. By analyzing Federal decisions on the basis of the circuits in which they are decided, national and regional trends can be discerned. The reader should note that a decision by a circuit court of appeals for any one circuit is not binding on other Federal courts beyond the jurisdictional limits of the court rendering that decision. This, of course, does not preclude other Federal courts, both at the district court and appeals court level, from adopting the dicta of other courts on similar matters. A decision of the Supreme Court of the United States on a given matter is binding on all courts comprising the Federal judicial system as to the specific legal and factual issues litigated.

In the pages that follow, there is a discussion of State court decisions, and then of Federal court decisions, which foster or encourage citizen participation in the educational decisionmaking process. The State and Federal cases that are discussed will be found at the end of the chapter. Court cases discussed in this chapter are listed in table 4.1. Page numbers refer to those pages in this chapter that contain a discussion of the relevant case.

Introduction

This chapter deals with Federal and State court decisions, from 1970 to present, which either foster or encourage citizen participation in the educational decisionmaking process. Findings contained in this study are based on a State-by-State analysis of Federal and State court decisions in education. A survey of Chief State School officers provided additional pertinent data.2/

The time frame of the study--1970 to present--was chosen to emphasize current trends in Federal and State court decisions in this area. The study is designed to analyze Federal decisions which encourage or foster citizen participation in the decisionmaking process. It does not encompass judicial decisions involving other collateral matters, e.g., open meeting laws, school district reorganizations, consolidations, or zoning proceedings.

The vast majority of judicial decisions encouraging or mandating citizen participation in the educational decisionmaking process have occurred at the Federal level. Very little incentive for citizen participation in educational decisionmaking has been generated by State court decisions despite the fact that education has been, and continues to be, the primary responsibility of State instrumentalities. Although State courts have not been at the forefront of judicial decisions in this area, there are numerous State laws, administrative regulations, guidelines, and policies which do encourage and foster citizen participation in the educational decisionmaking process.

This observation holds true particularly in recent State legislation which mandates the development and implementation of bilingual and special education programs. There are two prominent reasons for the virtual absence of State court litigation. First, and foremost, many of the State statutes and administrative agency rules and regulations are of such recent origin that conflicts about their scope or implementation which require judicial resolution have not arisen. Secondly, citizens are invariably assigned an advisory role by these State statutes and administrative regulations; they rarely provide a basis for expansive judicial rulings.

When Federal and State courts do intervene to resolve educational disputes, the decisions frequently limit the principle of citizen participation. This body of case law has its roots in deeply entrenched doctrines of educational jurisprudence which have been conceptualized and developed over a long course of litigation on educational issues. The keystone to these decisions is the principle that the management, administration, establishment, and maintenance of public schools are primarily the affairs of the State, subject to constitutional limitations, which the State may delegate to appropriate administrative bodies (Corpus Juris Secundum, 78:14-15). This principle severely restricts the power of Federal courts in deciding legal issues which affect the quality of educational programs in public schools. Although State courts are also creatures of State legislation, the same principle limits their role in such matters, and places primary responsibility in the hands of the legislature.

An equally compelling basis for judicial abstention in educational matters is the traditional deference which the judiciary accords administrative agencies, premised on the greater expertise which these agencies have in their own sphere. This concept was cogently articulated by Justice Powell, dissenting from the majority opinion on a leading student discipline case Goss v. Lopez, 95 S.Ct. 729 (1975) (joined in dissent by Chief Justice Berger, Justice Blackmun and Justice Rehnquist):

> In prior decisions, this Court has explicitly recognized that school authorities must have broad discretionary authority in the daily operation of public schools. This includes wide latitude with respect to maintaining discipline and good order. Addressing this point specifically, the Court stated in Tinker v. Des Moines School District, 393 U.S.503, 507, 89 S.Ct.733, 737, 21 L.Ea.2d 731 (1969):
>
> The Court has repeatedly emphasized the need for affirming the comprehensive authority of the states and of school officials, consistent with fundamental constitutional safeguards, to prescribe and control conduct in the schools:
>
> Such an approach recognizes the unique nature of public education and the correspondingly limited role of the judiciary in its supervision.

The intrusion of Federal courts even into this limited area involving student discipline matters--rather than the quality of instruction or the need for citizen involvement --was sufficient to invoke the poignant criticism of Justice Powell:

> The Court today invalidates an Ohio statute that permits student suspensions from school without a hearing for not more than ten days. The decision unnecessarily opens avenues for judicial intervention in the operation of our

> public schools that may adversely affect the quality of education. The Court holds for the first time that the Federal courts, rather than educational officials and State legislatures, have the authority to determine the rules applicable to routine classroom discipline of children and teenagers in the public schools. It justifies this unprecedented intrusion into the process of elementary and secondary education by identifying a new constitutional right: the right of a student not to be suspended for as much as a single day without notice and a due process hearing either before or promptly following the suspension.

While strict application of these principles rules out judicial interference with the everyday administration of public school systems, landmark decisions like *Tinker v. Des Moines School District*, supra; *Goss v. Lopez*, supra; and *Woods v. Strickland*, 95 S.Ct.992, indicate that the public schools are not judicially impregnable. And yet, when the courts--both State and Federal--do decide to intervene in the public education system at the urging of citizen groups, the outcome is more often that not a reassertion of the doctrinaire approach to educational legal issues.

For example, in *New York City School Boards Association v. Board of Education*,[3] 375 N.Y.S.2d 978 (1975) an action was initiated by various community school boards, their associations, and individual parents, to enjoin the implementation of certain provisions of an agreement between the Board of Education of the City School District of the City of New York and the teachers' association. The agreement reduced the number of teacher preparation periods by mandating a shorter instructional day for pupils of elementary and junior high schools. The petitioners in this action were joined in separate petitions by the United Parents Association of New York City, et al., Parents Associations Presidents Executive Council, District #8, Alliance for Children, Public Education Association, P.S. 75M, Parents Association, P.S. 52X, Parents Association, and Education Committee of Community School District #14.

The Board of Education challenged the authority of the organizations and individuals, but not the community school boards, to bring this proceeding. The Court rendered the following decision:

> Under the statutory scheme of school decentralization (Education Law 2590 et seq.) recognition and the functions of parents and

> parent-teachers associations were specifically spelled out. Section 2590-d of the Education Law requires that there be a parents association in each community school district and that the parent associations be provided...with full factual information pertaining to matters of pupil achievement **reading scores, comparison of achievement ***record of achievement*** (and) progress.
>
> It is clear from a reading of the Education Law and the supporting cases that the Legislature did not intend to bestow upon parents associations or parent-teachers associations any direct authority over school policy except in the limited manner set forth in section 2590-d of the Education Law.
>
> The court is also of the opinion that neither the parents individually nor the parents of the children involved and others similarly situated have standing to bring this proceeding. The parents do not enjoy the general power of supervision over the school authorities. Complaints pertaining solely to matters within the administrative expertise of the educational officials involved are not judicially cognizable.

In that case the court did recognize that associations mandated by the Education Law would have standing, in some circumstances, to challenge policies implemented in the New York City school district.

Another legal proceeding which exemplifies this same approach to educational jurisprudence is *Lopez v. Luginbill*, 483 F.2d 486 (10th. Cir.1973). *Lopez* involved an action by four of the 24 member Parents Advisory Council of the Title I project for the Roswell Independent School District, who had served during the 1971-72 year. The defendants were employees of the Department of Education of New Mexico and the Roswell Independent School District, including members of the District's Board of Education.

The Plaintiffs contended that for effective involvement of the PAC (Parents' Advisory Council), the members needed the names of the parents of educationally deprived children from the defendants, with the exception of those parents who had directed that their names not be disclosed. The defendants refused to release the names on these terms, but proposed as an alternative that the parents of Title I children be notified that they could send a postcard identifying themselves to their PAC representatives. The defendants argued that the blanket release of the parents' names would identify the children who were educationally deprived, causing embarrassment to the children and parents, resulting in possible harassment of the parents and children, and undermining the district's policy of confidentiality relating to student and family records.

Despite the fact that the remaining 20 members of the PAC opposed release of the parents' names, the District Court rendered a judgment in favor of the plaintiffs. The determination of the District Court was partially in deference to the views of the Director of the Division of Compensatory Education of the Department of Health, Education and Welfare, who was in accord with the plaintiffs.

The defendants appealed from the adverse ruling at the District Court level. The Tenth Circuit Court of Appeals reversed the judgment of the District Court on the ground that the lower court lacked jurisdiction. The plaintiffs had alleged jurisdiction under several civil rights statutes. In essence, the Court of Appeals ruled that the plaintiffs had failed to establish the deprivation of a right protected by those statutes even though their effectiveness as PAC members was impaired by the lack of disclosure.

Traditional court decisions like New York City School Boards Association v. Board of Education and Lopez v. Luginbill, and the dicta of Justice Powell in Goss v. Lopez, exemplify the reluctance with which Federal and State courts undertake legal proceedings where the outcome may result in a curtailment of the historic discretion of school administrators as to the quality of education programs. This deference gives the court decisions contained in this report a special significance. For here the courts are rejecting the notion that school administrators should run school systems to the total exclusion of other interested parties. Even more important, they express the strong view that citizens and citizen groups can have a positive influence on school governance and the quality of education. There are a significant number of cases where parents bring actions on behalf of students in public or private schools. This report has not attempted to compile all the court cases where this may, in fact, be the case, because such decisions do not necessarily affect the quality of citizen involvement. The focus of this paper is simply upon decisions which foster, encourage, or mandate citizen or parent involvement in the educational decisionmaking process.

State Court Decisions Which Encourage Citizen Participation

A careful, detailed survey and analysis of State court decisions over the past six years led to significant findings in only three States: Pennsylvania, Massachusetts, and New York. While many other States do have statutes or administrative rules and regulations which encourage citizen participation in educational decisionmaking, there is a conspicuous lack of State court activity in this area.

The Pennsylvania case, *Pennsylvania Human Relations Commission v. School District of Philadelphia*, 352 A.2d 200 (1976), involved a proceeding before the Pennsylvania Human Relations Commission to eliminate racial imbalance in the public schools of the City of Philadelphia. The Commission took the matter to the Commonwealth Court of Pennsylvania when the school system failed to comply with its desegregation order. The court denied the request of the Commission to have its desegregation order judicially enforced on two grounds: (1) the order's lack of educational content, and (2) lack of community contribution to the order. Despite the fact that the Commonwealth Court was not explicit as to the quantity of community involvement that was required, the decision left no doubt that at least high-quality involvement was necessary.

The Massachusett's case involved a taxpayer's action pursuant to General Laws, Chapter 71, section 34, *Bell v. North Reading*, 295 NE2d 894 (1973). This statute permits the inhabitants of a town to initiate a court action to determine whether the town government has provided a sufficient amount of money for the support of public schools. This type of court action can not be undertaken by the school board itself. A lower Massachusetts' court dismissed the taxpayer's action on the ground that the school board had accepted the amount allocated by the town and therefore a taxpayer's action could not be maintained. The Supreme Judicial Court of Massachusetts reversed the lower court decision and sustained the action. The significant aspect of this decision is that it gives taxpaying residents of Massachusetts' towns and localities a direct role in determining the adequacy of allocations made by local governments for the maintenance and operation of public schools in Massachusetts. Where the local governing body makes a decision to sacrifice educational expenditures in favor of greater allocations to other areas, local residents can intervene directly to protect the fiscal integrity of the school system and ensure the maintenance of the quality of education.

Since the 1969 Decentralization Law became effective in New York City, delegating a substantive role in educational decisionmaking to local communities, more New York State court decisions have been rendered on issues which affect citizen participation than in any other State. The quality and scope of citizen participation generated by these decisions has varied from case to case. For example, in *Parents Association of Public School 222 v. Community*

School Board Local School District, 66 Misc.2d 21, 319 N.Y.S. 2d 864 (1971), local residents challenged the appointment of an acting principal of a junior high school without prior consultation with them on State grounds. The court denied relief to the plaintiffs. Although the court rejected the statutory construction urged by the local residents it did express a positive view with regard to organized citizen participation in the New York City school system:

> Parents' associations have a long history of constructive contributions to the improvement of the New York City school system. For more than 50 years these voluntary organizations, singly and in united groups, have promoted the cause of quality education for millions of school children. Parents' associations have consistently guarded the vital interests of families in the intellectual, moral and health education of their children in the public school. To guarantee that the views of parents would continue to be heard throughout the decentralized 31 districts of the school system, the legislature required that each community school board adopt a by-law for the recognition of a parents' association in every school.

In 1972, two additional court decisions by State tribunals in New York directly affected the participation of citizens in the decisionmaking process. The first case, *Matter of Burce Irvine v. Board of Elections*, 73 Misc.2d 520, 342 N.Y.S.2d 200 (1972), involved an action by some residents of various school districts in which they sought to have the court rule that the Board of Education and the Board of Elections of the City of New York could legally adopt a nonpersonal voter registration method for an upcoming election which would facilitate greater public participation in the selection of community school board members. The plaintiffs also challenged a Board of Election determination limiting the election registration period to a single week.

The court ruled aginst the plaintiffs on the first issue. In the court's view, the Education Law required a personal registration method for school board elections. But the court's finding on the second issue was for the plaintiffs. No legal impediment, the court indicated, stood in the way of extending the period of personal registration for school board elections.

The second case, *Matter of Roher v. Dinkins*, 40 A.D.2d 956, 338 N.Y.S.2d 441, affirmed 32 N.Y.2d 334 N.Y.S.2d 841, represents the last State court decision in New York since 1972 which fostered citizen participation in education significantly. In Matter of Roher, plaintiffs challenged the appointment of a person to fill a school board vacancy for a substantial portion of the unexpired term of the previously elected community board member. Although the appointment of this person was in conformity with the Education Law, the plaintiffs argued that it was unconstitutional.

Judgment was rendered by the court in favor of the plaintiffs. In the decision, the court stated that one of the salutary purposes of the New York State Constitution had been violated, in that an appointee's tenure in an elective position was permitted to extend over too long a period. The court further indicated that no legislation--not even the Education Law--may curtail the right of qualified voters to select their community school board representatives at the earliest possible opportunity.

Another lawsuit currently pending before the State Supreme Court of Pennsylvania may portend a greater role in the educational decisionmaking process in the State of Pennsylvania. 4/ In this case, a local parents' group has challenged several clauses of a contract between the local board and the union representing the teachers on the basis that the school board has illegally delegated part of its policymaking authority to the Philadelphia Federation of Teachers. The plaintiffs argument is based on an agreement between the school board and the union to share decisionmaking on extracurricular activities, teacher transfers. working conditions, joint board-union committees, and the right to arbitration in the dismissal of a nontenured teacher. The suit is at present pending before the State Supreme Court on jurisdiction grounds since lower Pennsylvania State courts have ruled that the matter should go to the Pennsylvania Labor Relations Board. Although the final outcome of this litigation will not give parents and citizens of Pennsylvania a role in the everyday policymaking and administration of the public school system, it may sanction an important monitoring function for them.

On April 12, 1977, the New York Times reported that a New York State Supreme Court has granted a preliminary injunction to bar the New York City Board of Education from giving citywide reading and mathematics tests. The Court did so at the urging of a group of parents and teachers who felt that the improper use of these tests in some schools was unfair to students and had a detrimental effect upon their future. The final outcome of this case is doubtful, but at this stage it does indicate judicial recognition of parental involvement in at least one important area of educational decisionmaking in the New York City School System.

Federal Court Decisions Which Encourage Citizen Participation

The Federal Government is not imbued with any direct or primary source of authority over local educational decisionmaking bodies. Elementary and secondary education are functions traditionally reserved to the States. Consequently, Federal involvement in local matters is usually supplemental and supportive, deriving from Federal financial assistance. But there are other limited circumstances in which the Federal Government will become intricately enmeshed in local school board policies and practices. For example, when a local school authority has engaged in an action or series of actions which violate substantive or procedural principles of Federal constitutional law, the Federal courts, at the urging of injured parties, will invariably intervene. Action on the part of the Federal Government may also be in the form of executive directives or administrative proceedings.

The limited area of citizen participation in educational decisionmaking has derived much of its impetus from the Federal courts. In fact, in at least two areas of Federal decisional law, Federal courts have carved out a major role for the public in educational programs. Those areas are school desegregation and Title I projects.

In some ways, increased community involvement and citizen participation are particularly appropriate objectives of Federal court judges in school desegregation litigation because of the nature of the proceedings and scope of current judicial remedies. In three leading cases, decided only six years apart, the Supreme Court seemingly undercut one of the basic foundations of the American educational system--intimate ties between neighborhoods and schools--by sanctioning the use of a wide variety of tools and methods for desegregating public schools. *Green v. County School Board of New Kent County*, 319 U.S.430, 88 S.Ct.1689 (1968); *Swann v. Charlotte-Mecklenburg Board of Education*, 91 S.Ct. 1267 (1971); *Keyes v. School District No. 1, Denver*, 413 U.S.189, 93 S.Ct.2686 (1973). As a result, the issues litigated in school desegregation cases necessarily create hostilities between competing factions. Beyond that, expansive judicial rulings on remedies such as school district reorganization, receivership, and busing have stirred substantial community unrest and open resentment.

In order to reestablish an alliance between community and school, and to mitigate open hostility and violence which impede the effective implementation of school desegregation orders, Federal courts frequently mandate the creation of citizen advisory groups. The scope and extent of citizen participation in school desegregation varies from case-to-case as the following decisions indicate.

Overall, the most active Federal Court Circuit in the area of citizen participation in educational decisionmaking is the Fifth Judicial Circuit. The leading case in point in the Fifth Circuit is Singleton v. Jackson Municipal Separate School District, 426 F.2d 1364 (5th Cir.,1970). In Singleton, the Fifth Circuit Court of Appeals was presented with the issue of the effectiveness of a district court decree in desegregating the Jackson Municipal Separate School District. The Court of Appeals rejected the district court's desegregation plan on the ground that it left a substantial number of schools with segregated student bodies. In addition to overturning the district court's remedial decree, the Court of Appeals issued an unprecedented order directing the district court to establish a biracial committee to be constituted from names submitted by parties to the suit. The committee membership was limited by the court to between ten and forty members, and was divided equally between blacks and whites. The chairpersonship alternates annually between a black chairperson and a white chairperson. To this Committee, the court assigned the specific task of recommending to the school board ways to attain and maintain a unitary system. In addition, the court instructed it to submit biannual reports to the district court on a large number of factors related to the implementation of the desegregation plan.

During 1970, a series of six additional desegregation suits were decided in the Fifth Circuit in which the Fifth Circuit Court of Appeals extended its sanction of citizen advisory groups to the several geographical areas comprising the fifth judicial circuit. Ellis v. Board of Public Instruction of Orange County, 423 F.2d 203 (5th Cir.1970); Pate v. Dade County School Board, 315 F.Supp 1161 (D.C. S.D. Fla.1970) affirmed in relevant part 434 F.2d 1151 (5th Cir.1970); Davis v. Board of School Commissioners of Mobile County, 430 F.2d 883 (5th Cir. 1970); Calhoun v. Cook, 430 F.2d 1174 (5th Cir. 1970); Hightower v. West, 430 F.2d 552 (5th Cir. 1970); Wright v. Board of Public Instruction of Alachua County, Florida, 431 F.2d 1200 (5th Cir. 1970).

In Ellis and Pate the responsibilities of the duly constituted biracial committees established by the district courts were significantly greater than those assigned to the biracial committee in Singleton. In addition to reviewing the operation of the transportation system and the majority to minority transfer rules, the court charged the biracial committees in Ellis and Pate with the responsibility for selecting school sites, conducting hearings and making recommendations to the boards, and, in addition, undertaking such other special assignments as the court might direct.

In *Davis*, the Fifth Circuit had to reconsider school board efforts to convert the Mobile County School System from a dual system to a unitary system. The Court defined its task in terms of finally adjudicating the status of the Mobile County school system "from the standpoint of all of the essentials required to convert a dual school system into a unitary school system...." Substantial deficiencies were found in several areas of the Mobile County unification endeavors. In order to correct deficiencies, the Court of Appeals directed the district court to see that a biracial committee of the type described in *Ellis* be established. The Court of Appeals also directed the district judge to require that the biracial committee serve in an advisory capacity to the school board when questions arose about the operation of the majority to minority transfer rule, the promulgation and maintenance of zone lines, and school site location.

One month after its decision in *Davis*, the Fifth Circuit Court of Appeals decided *Calhoun*. In this proceeding, the Court of Appeals summarily issued several directives to the United States District Court for the Northern District of Georgia for the purpose of effectively implementing school desegregation orders. One of the directives required the District Court:

> . . . to immediately constitute a biracial committee of not less that ten adult resident citizens of Atlanta chosen by the district court from names submitted to it by the parties to this suit. The white and black membership of such committee should be equal and provision is to be made for the chairmanship to alternate annually between such races. The committee shall make recommendations to the school board concerning ways to operate and maintain a unitary school system in the city.

Six days after its ruling in *Calhoun*, the Court of Appeals rendered a decision in *Hightower*, in which the issue considered was the desegregation plan of the Fulton County, Georgia, school system. The Court indicated that the Fulton County plan must be modified in three respects in order to fulfill the mandate of *Singleton*. One of the modifications which the Court of Appeals directed the District Court to implement called for the establishment of a biracial committee to serve in an advisory capacity. In support of its authority to create such an advisory body, and also to delineate the responsibilities of such a committee, the Court of Appeals cited *Davis*, *Singleton*, and *Ellis*.

The following month, the Fifth Circuit Court of Appeals rendered yet another directive to a district court on deficiencies in its desegregation plan which required modification. The directives were issued as part of the Court of Appeals decision in Wright. In addition to several other directives issued to the United States District Court for the Northern District of Florida, the Court of Appeals required the District Court:

> . . . to see that a biracial committee of the type described in Ellis v. Orange County, supra, is established. The court is further directed to require that the biracial committee serve in an advisory capacity to the school board in matters pertaining to promulgation and maintenance of zone lines, pairing problems, and school site location as well as such other problem areas as may appear appropriate from time to time.

The year after this series of cases, another desegregation suit reached the Fifth Circuit Court of Appeals in which the district court for the Eastern District of Louisiana had ordered the formation of a biracial committee. Smith v. St. Tammany Parish School Board, 448 F.2d 414 (5th Cir. 1971). The Court of Appeals sustained the creation of the biracial committee by the district court. In doing so, the Court of Appeals simply stated:

> In order to reach solutions for the differing problems incident to a specific school desegregation process, district courts are necessarily granted broad powers to achieve these constitutional ends.

At the same time that the Court of Appeals was deciding the appeal from the district court decision in the Eastern District of Louisiana, the United States District Court for the Western District of Louisiana was deciding Trahan v. Lafayette Parish School Board, 330 F.Supp 450 (D.C. E.D. La. 1971). In conformity with the clear trend of desegregation litigation in the fifth circuit, the District Court ordered the formation of a biracial committee to assist in the implementation of the desegregation plan. The district court requested the parties to the action to "nominate persons having the best interests of the school system and the children it serves at heart."

In 1972, the Court of Appeals for the Fifth Circuit affirmed a decision of the District Court for the Eastern District of Texas in which the District Court had assigned some novel and far-reaching responsibilities to citizen groups. United States v. Texas, 343 F.Supp 24 (D.C. E.D. Tex. 1971) affirmed 466 F.2d 518 (5th Cir. 1972). The action involved the desegregation of the San Felipe Del Rio Consolidated Independent School District which was comprised of a substantial number of Mexican-American students. The District Court held that the segregation of these students violated the Fourteenth Amendment and Title VI of the Civil Rights Act of 1964. The district court, following its liability determination, ordered the development of a unitary school system. In its remedial decree the court stated that "An essential element of a comprehensive educational program is the active involvement of parents and other community members in planning and operating the schools."

The court then established multi-ethnic community councils for the school district, and assigned to them the responsibility for yearly evaluations of the districts' educational program and for rendering assistance to the school district in formulating the educational goals and objectives. It further required such councils to play a part in the assignment and evaluation of students for possible placement in Educably Mentally Retarded and Minimally Brain Injured Classes.

The District Court mandated the development of a Staff Development Plan for the purpose of providing equal access to the full benefits of the district's educational program for all children in the district. In addition to requiring that the Multi-ethnic Advisory Committee must review, comment on, and make suggestions for the plan, the Court specifically directed that such plan shall include:

> . . . direct involvement of community representatives of all ethnic groups on an equal basis in planning, implementation, monitoring and evaluation.

In 1974, an additional school desegregation case was decided in the fifth judicial circuit which contained a citizen participation component in the remediation plan. The action, United States v. Wilcox County Board of Education, 494 F.2d 575 (5th Cir. 1974), involved an appeal from a decision establishing a remedial plan by the United States District Court for the Southern District of Alabama. The District Court refused to implement a desegregation plan submitted by the Title IV Center of the University of South Alabama which contained a Countywide Advisory Council component. The District Court justified its refusal on the basis that most of the schools involved in this proceeding utilized the traditional parent-teacher organizations which function on an individual basis.

Despite recognition of the utilization of these traditional organizations, the Court of Appeals directed the District Court to create a Countywide Advisory Council. In doing so, the Court of Appeals stated:

> The recorded evidence of poor relationships and

> lack of communication between teachers, students and their parents on the one hand and the School Board on the other, of open official encouragement of whites to frustrate unitary goals, and the fact that the district court considered it necessary to enjoin the School Board to permit the non-discriminatory function of parent-teacher associations as late as May of 1973, all operate to persuade this court that school trustees and parent-teacher organizations are not viable substitutes for a system-wide group chosen by the court to affect liaison between the community, school officials and the court. . .

Upon remand, the United States District Court for the Southern District of Alabama directed the parties to the litigation to submit to the Court, within 30 days, "their considerations of the appropriate committee type that would best serve the purposes of resolving problems arising from integration of the schools."

A year later, the Fifth Circuit Court of Appeals sustained yet another district court desegregation order which encouraged citizen participation. Tasby v. Estes, 517 F.2d 92 (5th Cir. 1975). This action arose from a determination of the United States District Court for the Northern District of Texas. In this action the Court of Appeals sustained the creation of a Tri-Ethnic Committee, rather than the traditional biracial comittees in Dallas. The Tri-Ethnic Committee membership was comprised of blacks, Mexican-Americans, and whites.

In the sixth circuit, the foundation for citizen participation in school desegregation litigation was laid in Bradley v. Milliken, 402 F.Supp 1096 (D.C. E.D. Mich.1975). The District Court noted, and sanctioned, a school board desegregation plan for Detroit containing a parental involvement component. The court then proceeded to make brief, cogent, observations about and directives on community involvement in school desegregation litigation:

> The school-community relations program should give real meaning to the decentralization anticipated by the Michigan Legislature and provide an effective vehicle for true community involvement in all the schools. To achieve maximum community participation the program should depend upon parental support; participants should be selected voluntarily and serve without compensation. An effective community relations program must develop a partnership between the community and the schools and must cooperate with traditional groups such as parent-teacher

> organizations and local school advisory boards. There should be a cooperative flow of information from the school to the community and from the community to the school. Open and free discussion and participation should be encouraged. The school-community relations organization should receive complete encouragement, budgetary support, direct assistance and a free flow of information from school authorities.

In 1972, an appeal from a district court desegregation order, in which the district court appointed an advisory biracial committee, was decided by the Tenth Circuit Court of Appeals. Dowell v. Board of Education of Oklahoma City Public Schools, 465 F.2d 1012 (10th Cir. 1972). In this proceeding, the school board specifically objected to the appointment of the biracial committee by the district court to serve in an advisory capacity. The Court of Appeals rejected the arguments of the school board on the ground that:

> There is no legal basis for an objection to the existence of such a committee for the assistance of the court in an advisory capacity on matters pertaining to the approved plan. It is apparent that such a committee can have no function other than to advise the court. As such, it is of course proper, if the trial court sees fit, for the committee to consult with the school board and with other public and private organizations that may be concerned. The committee has no authority to do more than to consult with such agencies as it has no authority to direct in any way their actions. As so limited in its functions and authority, the appointment of a biracial committee is approved. The composition of such a limited committee is within the discretion of the trial court, and the services of community leaders may be sought by the court from time to time, wholly outside the recommendations that may have been made by the parties in this action.

Despite the restrictive language of the Tenth Circuit Court of Appeals in Dowell, the decision set precedent for the subsequent creation of biracial committees in school desegregation litigation arising in the tenth circuit. In fact, two years later, the United States District Court for Colorado, in Keyes v. School District No. 1, Denver, Colorado, 380 F.Supp 673 (D.C. Colo. 1974), incorporated citizen participation components into its remedial plan. In Appendix B, entitled Outline: Characteristics Essential to a

Viable Plan, Justice William E. Doyle pinpointed crucial elements which must be contained in a final desegregation plan. One of the elements was the appointment of a Monitoring Commission composed of outstanding members of the Denver community, who were assigned the responsiblity to observe the process of desegregation and then report back to the court.

The court also incorporated a plan entitled, Preparation For Integration: Staff, Parents, Students. This plan called for parent involvement in intensive workshops, explanation of parent/school relations and communication, parent planning for implementation of student transfers, and parent/staff activities and planning. In addition, the plan called for:

- staff development activities in the area of school/parent relations;

- regularly planned activities for parents which were designed to foster pride and understanding, and to seek solutions to problems, thereby strengthening parent/school relations; and

- formation of Committees in each school made up of staff, students, and parents which would direct efforts of the school towards successful, quality, integrated education.

In 1974, the Second Circuit Court of Appeals became a party to this developing trend. Hart v. Community School Board of Brooklyn, New York School District #21, 383 F.Supp 699 (D.C. E.D.N.Y. 1974), appeal dismissed 497 F.2d 1027 (2nd Circ. 1974). In Hart, the District Court indicated that any desegregation plan must ". . . provide a practical method of minimizing community conflicts and maximizing educational opportunities for the present and potential students of the school." The District Court indicated that parties devising a proper plan for school desegregation must take into account the "six basic elements in successful school integration" as listed by the Report of the Select Committee on Equal Educational Opportunity, United States Senate, Toward Equal Educational Opportunity, Sen. Rep. No. 92-000, 92nd Sess., 29-31 (1972). First among the six basic elements is community participation.

The first circuit followed the trend of some of its sister circuits in an actions which was decided, in part, by the First Circuit Court of Appeals in 1976. Morgan v. Kerrigan, 401 F.Supp 216 (D.C. D.Mass. 1975), affirmed 530 F.2d 401 (1st Cir. 1976). At several stages of the Boston school desegregation litigation, the District Court assigned significant roles to citizens to assist the effective implementation of the court's decree. On October 4, 1974, the District Court issued an order establishing Racial Parent and Student Councils ("RPCs and RSCs"). These councils were assigned the task of dealing with racial tensions and problems at the individual school level. The Court also set up Community District Advisory Councils (CDACs) and the Citywide Parents' Advisory Council (CPAC) to coordinate activities and disseminate information among school RPCs. Then, on June 5, 1975, the district court ordered the formation of a Citywide Coordinating Council to which it assigned the responsiblity of monitoring implementation of the court's desegregation order.

There are two particularly significant aspects to *Morgan*. One is the acknowledgement of the Second Circuit Court of Appeals of the "invaluable function served by groups drawn from different generations and races in an attempt to promote citizen understanding and support" for school desegregation. Second is the denial of certiorari by the United States Supreme Court on an appeal directly challenging the remedial decree containing the citizen participation components. 45 U.S.L.W. 3464 (U.S. Jan. 10, 1977).

Another limited area of Federal judicial involvement has been in Title I proceedings. Title I is part of the Elementary and Secondary Education Act of 1965. 20 U.S.C.A. 241 et seq. The Federal regulations implementing Title I specifically require parent and community participation in Title I projects. 45 CFR 116.18(F). This regulation has led to numerous lawsuits by community groups who, when they are denied the opportunity for involvement in such programs, challenge the denial by legal means.

In *Babbidge v. Richardson*, Poverty Law Reporter 503.251 (D.C. R.I. 1971), certain parents of poor children alleged that Federal funds intended for the improvement of educational opportunities for the poor were denied to them, and were used for the benefit of others. The defendants argued that the plaintiffs lacked standing to bring this action. The District Court rejected the defendants' argument and held that the parents had standing to bring the action under section 1331 of Title 28 of the United States Code.

In *Colpitts v. Richardson*, Poverty Law Reporter 15,426 (D.C. ME. 1970), an action was brought on behalf of educationally deprived children, alleging that a local Title I program was being administered wrongfully in the following ways: (1) the number of participating target children in the school unit was limited to 160 while a greater number of eligible target children existed; (2) eight employees (assistant teachers and education aides), whose salaries were paid either partially or wholly with Title I funds, were used for tasks unrelated to the special education needs of the educationally deprived; (3) equipment, services, and construction not demonstrably essential for the success of Title I programs were purchased with Title I funds; and (4) the program spent Title I money on "non-deprived" children, largely because of its unwillingness to see large sums of money go to American-Indian and poor children when such sums might be given to white and non-poor children.

The plaintiffs argued that the Title I program was operating in violation of regulations and guidelines of HEW and the United States Office of Education. They also put forth the argument that the educationally deprived children were third-party beneficiaries of the Title I contracts and were therefore entitled to bring this suit. Alternatively, the plaintiffs contended that the exclusion of children of American-Indian descent created an invidious classification which denied these children civil rights and the equal protection of the law as guaranteed by the Fifth and Fourteenth Amendments.

Another form of relief requested by the plaintiffs in this action was the entry of an order which required the school committee and the superintendent to recognize the rights of a group of parents and community members to participate in the planning, developing, monitoring, operating, and approval of Title I projects. The District Court for the Northern District of Maine held that the plaintiffs' allegations presented a good case for action to provide relief. But, despite the District Court's findings that a "Federal question" was presented, it directed the plaintiffs to amend the complaint to demonstrate that their complaint involved at least the required minimum of $10,000.

On May 27, 1970, stipulations settling the dispute were signed by the parties to the action and approved by the District Court. These stipulations provided that: (1) the school authorities would compile a list of Title I eligible children and participation in the program would be limited to those children. If all these children could not be served, priority would be given to those children who were handicapped or whose needs for special assistance resulted from poverty, neglect, delinquency, or cultural or linguistic isolation; (2) teacher aides paid from Title I funds would only work on tasks directly related to Title I children, and if their work freed time for other teachers, that time must be spent with Title I children only; (3)purchases of equipment would be limited to the minimum which is demonstrably essential to implement lawful Title I activities and services; (4) all approved and implemented Title I programs would provide compensatory educational activities and services for Title I eligible children and no child would be excluded from a local program because of his/her participation in Title I activities and services; (5) an annual evaluation and audit of Title I programs and personnel authorized and funded by the school authorities was required, and the parent advisory committee were to approve the choice of the auditor and evaluator; (6) the school authorities were required to ensure that all Title I programs were planned, developed, evaluated, and operated in consultation with parents of Title I eligible children, and, to that end, the formation of a parent advisory committee was required; (7) the committee was given the power to elect officers and adopt bylaws, and was given access to the names and addresses of parents of Title I eligible children, to applications for Title I past and present, to all complaints and evaluations of Title I programs, and to applicable local, State and Federal Title I guidelines; (8) the committee was empowered to supply information concerning the views of Title I parents and children about program needs, to recommend a general procedure for use of funds, to participate in the development of proposals, to hear complaints, to act as a hearing committee for suggestions, to submit proposals, and to participate in the overall implementation of Title I programs and services.

The *Colpitts* proceeding is particularly interesting in two respects. First, the District Court specifically held that the allegations stated a good cause of action under pertinent civil rights laws. This finding conflicts with the view of at least one other Federal Circuit Court of Appeals which has confronted the same issue. See *Lopez v. Luginbill*, supra. An appeal to the Supreme Court of the United States by the plaintiffs from the Tenth Circuit Court of Appeals decision in *Lopez* was denied certiorari. This decision of the Supreme Court tends to accord greater weight to the Tenth Circuit Court's conclusions with respect to the standing of parties in Title I actions. 415 U.S. 927, 94 S.Ct. 1436 (1973). The second interesting aspect of *Colpitts* is the scope of the stipulations resolving the issues. Again, on this point, the *Lopez* decision indicates that such broad remedies are not required by Federal law, or by HEW and United States Office of Education guidelines. However, the precedential value of *Colpitts* is limited because settlement of the litigation was by stipulation only rather than by a court decree resulting from a full-blown trial on the merits of the case.

Another interesting Title I case which resulted in a court decree embodying to a great extent the quality of parental participation resulting from the stipulation agreement in *Colpitts* is *Sanchez v. Rafferty*, Poverty Law Reporter 503.50 (D.C. N.D. Cal. 1970). The *Sanchez* proceeding involved an action on behalf of educationally deprived children in Title I "target areas" of a California school district. The plaintiffs alleged that the district was acting in violation of the Federal law and regulations because it failed to achieve a meaningful parent and community level of participation in its Title I project. The plaintiffs further alleged that the school district conducted advisory meetings on numerous occasions when the majority of attending members were representatives of the school district rather than parents of Title I children; that the district conducted such meetings without a quorum; that it hired a community liaison who worked with children who were ineligible for Title I; and that it used Title I funds for general aid.

The District Court sustained the actions brought by the plaintiffs. The Court then directed the school district to form a local advisory committee composed of parents of educationally disadvantaged children and community representatives; this directive aimed to establish meaningful parent and community participation in the planning, operation, and appraisal of all the districts' Title I programs. In determining the representation of the committee, the Court required that a parent or community representative who was also an employee of the district be counted as a person representing the districts. The District Court further directed that all meetings of the groups be conducted in both English and Spanish, provided there were members of the committee who indicated a preference for the latter. No policy decisions, the court directed, could be made unless a majority of those members present and voting were parents of disadvantaged children and/or community representatives.

The responsibility for an annual evaluation was assigned to the committee: they were required to prepare this separately from the school district which was merely to supply information on request. The committee was responsible for presenting this evaluation to the State Superintendent of Public Instruction and to the United States Commission of Education.

Finally, the Court ordered the school district to provide appropriate educational and training programs for members of the advisory committee and to carry out an annual audit of the financial accounts of the district's Title I project.

Lack of parental participation and community involvement was also the basis of the plaintiff's action in Nicholson v. Pittenger, Poverty Law Reporter 18, 170 (D.C. E.D. Penn. 1973), which was settled, like Colpitts, by stipulation. The parties to the Nicholson case agreed to the establishment of an evaluation and review committee to examine and review: (1) evaluation reports and data of educational projects operated by the school district; (2) the stated objectives of each educational project operated in 1973-74 as part of the school district's Title I program; (3) reports, data, and other information generated and retained by the school district that were used to establish a priority of educational needs and to assess the special educational needs of pupils in the school district who are eligible for Title I projects; (4) the assignment of educational projects to evaluation categories and to approve or disapprove the assignment of individual projects to particular evaluation category; and (5) the size and scope of Title I educational projects operated in 1973-74 in terms of costs, number, and grade-levels of pupils served, of location, assigned staff, and staff-pupil ratio of each project; and (6) to monitor periodically the 1973-74 Title I projects.

Another Title I action currently pending before a Federal district court in Los Angeles involves a group of parents who contend that they have been denied "effective participation" in programs administered in the Los Angeles Unified School District.4/ Injunctive relief is sought by the plaintiffs against the State of California in the form of a prohibition on approving Title I applications from the Los Angeles Unified School District

> . . . until it ceases to deny parents and other citizens residing in the school district their proper participatory role in the design and development of applications for Federal monies for compensatory education.

Lack of parental involvement has also been the basis of some court actions regarding the placement of children in other educational programs. In Guadalupe Organization, et al. v. Tempe Elementary School District No. 3, Poverty Law Reporter 15,965 (D.C. D. Ariz. 1972), an action was initiated against educational authorities in Arizona on behalf of non-English speaking children with respect to their placement in classes for the educable mentally handicapped or the trainable mentally handicapped. In addition to other relief, the stipulation agreement signed by the parties embodied the following significant terms for parental involvement: (1) parental approval shall be obtained in writing prior to the placement of a child in a special education class, and such permission shall be obtained on a form written in both English and the parents' primary language, if other than English; (2) such form shall contain notice in both English and the primary language of the right of the parent or guardian to request a review of the placement once each semester and to withdraw consent for the placement; and (3) the parent or guardian of a child placed in a special education class shall have complete access to all school records concerning that child.

Final Comments

Although this review covers only Federal and State court action since 1970, the material in this chapter encompasses a very large percentage of all such court action directly influencing citizen participation in educational decisions. The judicial activism of the past seven years can be regarded as only a beginning, as a portent of Federal and State court action that will have an even stronger impact on citizen participation.

Currently, many groups of citizens view legal action as their most direct access to public decisionmaking. The review presented here makes it clear that the courts are being asked to play a strong, mediating role for group as well as individual claims. In a democratic society, we would normally expect such a mediating role to be played most effectively by elected political bodies and by responsive administration in public agencies. This increasing reliance on the court of last resort and its implications for citizen access to public decisionmaking merits further in-depth analysis of the data assembled here.

CHAPTER III - REFERENCES

1. This survey entailed a three-fold process. First, the education laws of each state were located and analyzed to discern specific provisions which require citizen participation in education or other sections where one might reasonably expect to find such activity. Then the case annotations following those sections as well as state digests were explored for court decisions from 1970 to present. Finally, all of the apparently pertinent cases - over 50 in number - were read, with the vast majority being eliminated.

2. Inquiries were forwarded to the chief state school officers of each state requesting information on state laws, rules and regulations which, in their view, foster or encourage citizen participation in educational decisionmaking. Information was also sought on judicial decisions which have similar results. Responses were received from over fifty percent of these chief school officials. That information, in turn, was analyzed and, where pertinent, incorporated in the findings comprising this study or used as a reference source for further research.

3. See: "A Suit to Suit Them?" American School Board Journal, April, 1975.

4. Bruce G. Beezer, "Title I Parent Advisory Councils: To What Extent Must They Be Involved In?" Unpublished ms. North Carolina State University: School of Education, 1976.

CITIZEN PARTICIPATION IN SCHOOL DESEGREGATION

by James Upton, Ross Zerchykov,
Brian Powers, and Don Davies

The powerful impact of the Federal government on citizen participation in education is most dramatically illustrated in the cities where schools are undergoing court-ordered desegregation. We single out desegregation for special attention because of its manifest Federal impact and for three other reasons:

> In desegregation orders and implementation plans, the Federal courts have given legitimacy to citizen participation in educational decisionmaking.
>
> Desegregation is the predominant issue in education in most cities and is responsible for more extensive and diverse forms of citizen participation than any other.
>
> The desegregation issue provides concrete illustration of the wide range of functions which citizen organizations can play in educational affairs.

We have only limited and impressionistic evidence to offer on the relationship of citizen participation to desegregation. The topic is far too complex to be dealt with adequately within the limits of this one brief chapter. Little theoretical and descriptive literature is available to guide analysis or research; few recent evaluations have been made to provide guidance to policymakers and citizen leaders. An important empirical and theoretical study of ten cities, funded by the National Institute of Education, is underway at Harvard University. However, its conclusions and findings will not be available for some time. 1/

In addition to that project, over the next 18 months our own study of citizen organizations in Atlanta, Boston, and Los Angeles will permit us to examine in depth some of the ways in which citizen groups respond to school desegregation. Their effectiveness will be assessed and the impact of a desegregation program on the citizen organi-

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zations will also be studied.

Despite our stated limitations, we believe it is useful for us to present our impressions of citizen responses to court-ordered desegregation. Some patterns seem to emerge which can be tested in subsequent studies, and our rudimentary description of them may offer ideas to persons now planning ways to make desegregation work best for the widest constituency.

To illustrate these patterns we will examine selected aspects of citizens' organized responses to school desegregation in four communities: Louisville, Boston, Denver, and Dallas. To appreciate the significance of participatory developments in these different places, however, it is necessary to sketch the recent history of school desegregation and, at various points, to place it in its social and political context.

THE BACKGROUND: THE COURTS, RESISTANCE, AND PROGRESS

Few issues in the Nation's history have generated as much violence and controversy as school desegregation, opened by the landmark Brown vs. Board of Education of Topeka Supreme Court decision in 1954. The decision was made possible in the first place by the work of citizen organizations--especially the National Association for the Advancement of Colored People (NAACP) and its affiliates and allies throughout the South. These groups prepared the case, documented years of Jim Crow inequality, built a support base among black people and white liberals and moderates, and then brought suit.

The Brown decision struck down the Plessy v. Ferguson (1896) "separate but equal" doctrine, which was central to the institutionalized caste system which replaced slavery in the post-reconstruction South. The Brown decision--and myriad subsequent decisions--indicted an entire social structure and way of life for the Nation's white population. For years, racial inequality had been accepted and popularly rationalized by the folk rhetoric of "manifest destiny" and "social Darwinism."2/ The Brown decision marked the beginning of the rediscovery and revitalization of the 14th Amendment's powerful equal protection clause and has opened up the dark recesses of inequality in our society caused by sex, class, and language, as well as race.

The decision was met by massive resistance in the South and foot dragging and lack of leadership in Washington.3/ Strong in the first 12 to 15 years following Brown, that resistance has been worn down by the Federal court decisions of the late 1960's and 1970's. These rulings have set more explicit standards of compliance, have made clear the responsibility of school boards to undo the consequences of their past actions, and have sanctioned the use of busing as a means to remedial change.4/

Local and national citizen groups, like the NAACP and other civil rights organizations, have continued to exert pressure for desegregating schools. The early successes of the Civil Rights movement, the espousal of its objectives by President Johnson in the 1960's, and the passage of the Civil Rights and Voting Rights Acts in that period, created the initial climate necessary for acceptance of school desegregation in influential quarters in the North and the South.

Busing Emerged as Central Issue

But the Brown decision addressed *de jure* segregation. As later court decisions began applying the law to school systems in the North and to *de facto* segregation, busing emerged as the central issue. Anti-busing sentiment grew strong in Congress, in State legislatures and in the cities. Northern politicians, school boards, and school officials proved as adept at resisting change and obstructing the law as had their Southern counterparts. Indeed, Robert A. Dentler, Dean of the School of Education, Boston University, and special desegregation consultant to the Federal judge presiding over Boston's desegregation program, has observed that Northerners are more intractable on school desegregation than Southerners:

> In the Deep South and the border states, resistance, especially in rural localities, concentrated on the pre-implementation stage. Once the change was ordered, compliance was genuine. In 25 Northern cities, however, resistance pervades every phase of the process.5/

Desegregation has led many citizens to organize aggressively to oppose court orders. In doing so, they have often changed their focus from opposition to desegregation *per se* to combatting "forced busing." This goal was central in the formation of Boston's ROAR (Restore Our Alienated Rights) and many similar groups which have sprung up wherever locally designed school desegregation plans have loomed, regardless of whether these are court-ordered or voluntary.

In the Nixon administration, the President himself and other high officials spoke out against busing, as did President Ford at the start of the Boston desegregation program. Such pronouncements from those in high places have fanned smouldering fires of controversy and upheaval, contributing to anger expressed in bus burnings and stonings in Michigan, in anti-busing prayer vigils, in protest rallies, and eve in parades of Ku Klux Klansmen in Columbus, Ohio and other cities. Such dramatic opposition has attracted the sustained attention of the media and the American people.

School Desegregation Nationally Acknowledged Judicial Policy

Despite anti-busing opposition, Federal courts and State courts in Massachusetts, Illinois, and California, where State laws prohibit school segregation for any reason, have enforced the law resolutely. Regardless of variations in desegregation plans and controversies over matters like cross-district busing, the pattern of court action is by now well established: school desegregation is a nationally acknowledged judicial policy. As such, it is likely to overcome any continued opposition.

Desegregation Threatens Existing Life Patterns

The furor associated with citizens' reactions to school desegregation is consistent with the depth of its challenge to the status quo. Not only has it unmasked inequities based on racial differences, but has also laid bare a range of contradictions which exist at various levels of American society as a whole.[6] Politically, economically and socially, desegregation cuts across usually distinct lines and threatens people's existing life patterns.

At the political level, for example, desegregation highlights the problems inherent in a culture which, for centuries, has emphasized the individual. The legacy of rugged individualism, which runs through American history as a steady theme from the Daniel Boone type of frontiersman to Teddy Roosevelt's cavalry style and is now embedded in constitutional guarantees and legal canon, has two major effects today: on the one hand, it legitimates majority demands for individual rights and private good, while on the other hand, it blocks recognition of minority demands for group rights justified by conceptions of the public good.[7]

Economically, desegregation also throws into relief long-lasting inequities in the distribution of national wealth and gross income which have become firmly fixed through this century. Existing income distribution coupled with a slow-growth economy means that economic progress on the part of minorities threatens those in adjacent income brackets. The inevitable hostilities between white and minority persons competing for the same "share of the pie" are further intensified by the concentration of low-income populations in older industrial cities, and the safe position of the more affluent untouched by desegregation. The result is that the "costs" of desegregation are unevenly distributed among economic classes. Traditional analyses of and remedies for urban conflicts generated by desegregation have,so far,failed to confront the more pervasive fact of socio-economic segregation.

Traditional Idea of Neighborhood Endangered

Beyond this, at the cultural level, whether in urban localities or in the suburbs, desegregation exposes and challenges cherished beliefs about schools and communities. Desegregation places upon the public schools the burden of serving all students equally well--a task that can be viewed as a historical first.

Considerable evidence has shown that throughout the past several decades public schools have not adequately met the needs of many children from poor, working class homes--both black and white. 9/ Despite this evidence, many white working class parents continue to maintain their faith in neighborhood-based public schooling as the primary guarantee of future opportunity. Interracial schooling for their children is perceived by such parents as a threatening first step toward eventual and profound change in the community itself. Moreover, racial integration which involves moving children from a familiar location to an unfamiliar one makes people uneasy because it strikes at the heart of a concept deeply woven into the fabric of American life over generations--the idea of "our neighborhood" and "our neighborhood schoolhouse." At least in Northern industrial cities, this "urban villager" concept has been taken for granted as not only the best way to educate children within a familiar community but also as the traditional basis for family and community life.

National Commitment to Redress Inequities

The desegregation of schools is only one dimension of a national commitment, at least in rhetoric, to redress past inequities by recognizing the constitutional rights of groups previously excluded from full participation in society. Particularly in older industrial areas, the desegregation of schools points to the need for fundamental reexamination of our understanding of individual and group rights, economic mobility, schooling in a multi-cultural society, and the boundaries of community.

Desegregation Offers Potential for Leadership

Public officials have been slow to grasp the potential for leadership offered them by the desegregation issue. Elected public officials have too frequently shown complacence, indifference or outright hostility. Many tread lightly, if at all, any path toward redress of racial injustice in education or other areas. A few, by inciting citizens to defy the courts, have edged close to dereliction of duty in their failure to uphold the Constitution. In many situations, the Courts have had to act decisively to fill a vacuum left by hostile, timid, or opportunistic political leaders.

Although many school officials have been reluctant to address school desegregation in an effective overall manner, in one respect they have been constrained by divisions in American public opinion. Officials have based their policies, before and after court decisions, on their sense of the public's views on busing. Although by the mid-seventies a majority of Americans were supporting school desegregation in principle, recent surveys show that about 75 percent of this population nonetheless oppose busing as the best means to an end. 10/

Citizen Participation in Desegregation Required

To offset the influence of antibusing and antidesegregation organizations, and to lend legitimacy to citizens supporting school desegregation, the courts have adopted policies encouraging citizen participation. As indicated in the previous chapter, mandated formation of citizen advisory groups and other judicial measures to stimulate positive citizen involvement in school issues have accompanied most desegregation plans approved by the Federal courts since 1970.

By requiring citizen participation, the courts also may be seeking to assuage local alarm and their own misgivings about the already substantial degree of Federal intrusion into local school affairs. In some cases, the participatory mechanisms required in court decisions may be viewed as a means for reestablishing the lost ties between the schools and their constituents.

Dentler, a court-appointed expert under Judge Garrity, however, has noted that the rationale for judicial policy is not apologetic. Explaining that intimate ties between schools and communities frequently "perpetuate a mosaic of local advantages that were, in the aggregate, sources of overall inequities under the 14th Amendment," he posits three other derivations for judicial participatory requirements:

1. Over time, improvements in planning efforts for desegregation revealed the value of citizen contributions to the process.
2. Disenchantment with the remedial proposals offered to courts by school boards and headquarters professionals indicated a need for less exclusionary policymaking.
3. Equal protection of rights under the Constitution, it was realized, required reform of the typical relations between public schools and citizens.

In brief, the necessity for a powerful, legal sanction for participation derives from the traditional resistance of school boards and school professionals to public participation. Participation required by court orders or stimulated by desegregation has emerged as a new, strong, and pervasive challenge to professional domination of decisionmaking in the schools.

Desegregation Spurs Other Educational Reform

It is important to note that Federal intervention in desegregation can also be a spur to educational reform in the general quality of schooling. Controversies over desegregation tend to branch out to embrace other issues and support more broadly based efforts to expand educational opportunities for all students. 11/

This volume began with a description of Federal legislation which requires citizen participation in programs designed to serve target populations and specific educational needs. It concludes with a description of citizen participation in four cities engaged in court-ordered school desegregation. The potential and limits of these activities can be fully understood only in light of the political, economic, and social structures which currently constrain fuller realization of Fourteenth Amendment rights. The issues raised by desegregation extend far beyond schools into the total fabric of our society today.

THE FOUR CITIES

Community responses to court-ordered desegregation in Louisville, Boston, Denver, and Dallas cover the range from militant opposition to enthusiastic support for desegregation. These responses are conditioned by the social structure, the political tradition, and the prevailing attitudes of civic leaders in each community. For example, a relatively small group of Dallas businessmen have exercised strong social and political influence in that city for many years. These businessmen played a key role in mobilizing community support for desegregation. They appeared to be trying to avoid tarnishing the Dallas image as a growing, dynamic city--a good place to locate new businesses and to live in and raise children.

Another example is found in the explanation by the Justice Department's Community Relations Service of the lack of violence and confrontations in Denver as compared to Boston:

> Unlike Boston, Denver's population consists of mostly middle class recently immigrated people. Though the Chicanos and blacks are generally low-income, Denver did not experience the large wave of industrial workers as did Boston, Detroit, New York, etc. Denver has relatively few job producing industries. Government, warehousing, light industry and commerce have attracted a different type of family to the area. None of the blue collar attitudes or "turf" problems evident in Boston appear to be present in Denver. Denverites appear to be seeking middle class solutions to their problems, and thus are less prone to violent confrontations. 12/

For each of the four cities, we present only certain aspects of the citizen response to school desegregation. Each city is of interest because one or more features provide insight into ways in which citizens, in general, can organize in response to desegregation.

Louisville is important since it is the only community to date in which a city/council school system merger was ordered by the Federal judge simultaneously with school desegregation. We are interested in desegregation there because of the prominent role of citizen-initiated organizations and the virtual absence of government-initiated organizations.

The focus of our discussion of Boston is on the operations of the court-mandated, multitiered structures for parent involvement in a setting of intense controversy and political activity. The several levels of citizen participation now mandated for the Boston schools are far more extensive than in any other city undergoing court-ordered desegregation.

In Denver, the roles of two organizations are of interest: a blue-ribbon advisory committee appointed by the judge, and a citywide coalition which has worked effectively toward peaceful implementation of the desegregation plan.

The strong, positive, and coordinated activity of many different citizens and groups in Dallas is unique in our overview of school desegregation. Events in that city appear to have been controlled by a cooperative school board, school officials, business leaders, and others in the community who voluntarily joined an intensive public relegations and information campaign to implement the desegregation plan without violence.

We were able to collect only limited data about groups opposing desegregation. While we will comment briefly on these, our focus will be on groups that supported the implementation of the court-ordered desegregation plan.

Six Major Citizen Functions

The evidence from the four cities is that both the court-mandated and citizen-initiated organizations served important functions in the implementation process. These functions can be grouped into six general categories as follows:

1. Participation in Development of Plan for Implementation.
2. Mobilization of Public Support.
3. Participation in Carrying Out the Plan.
4. Monitoring and Reporting.
5. Advocacy and Student Protection.
6. Participation in Educational Improvement.

The material which follows provides brief descriptions of some of the most important mandated or citizen-initiated organizations in each city. The reader will be aided in relating this information to the six functions listed above by referring to table 4-1 on page 130 in the concluding section of the chapter.

LOUISVILLE: A METROPOLITAN SOLUTION STIRS CITIZEN RESPONSE

When school desegregation began in Louisville, a highly emotional climate conducive to citizen involvement had already been established by an earlier, controversial decision by the Kentucky State legislature; the school systems of the city of Louisville and neighboring Jefferson County had been merged, largely for financial reasons. Four months after this development, in July 1975, Federal Judge James Gordon ruled on the desegregation suit brought by the Newburg Area

Council against the Board of Education of Jefferson County. Gordon ordered implementation of a school busing plan for desegregation across the city and county line. In Louisville-Jefferson County, not only were racial tensions heightened by the court's desegregation order, city-county antagonisms also were inflamed.

Interdistrict busing was ordered in the newly merged school district in large part because of the past policies of school officials, who had expediently ignored the old systems' boundaries, busing black students from their Jefferson County homes into the predominantly black city school district. For a number of reasons, among them the policy of busing black county students, Louisville city schools had become clearly segregated. Enrollment in the city in 1975 was 54 percent black. In the county, schools had only a 4 percent black enrollment.13/

To achieve a more equitable racial balance in both city and county schools, the court's desegregation order required that each elementary school have a black enrollment of at least 12 percent but not more than 70 percent. At the secondary level, no less than 12.5 percent but no more than 35 percent of the school population was to be black.14/

The busing plan went into effect in September 1975. The new joint city/county school district had a total enrollment of 121,000 students; under the desegregation plan, 20,000 of them were bused to different schools.15/

Court-Mandated Citizen Advisory Councils

Initially, all organizations concerned with desegregation in Louisville were formed by citizens themselves. Unlike his counterparts in Denver and in Boston, Judge Gordon did not at first create either elite or grassroots citywide advisory councils in his rulings. Eventually Judge Gordon did create a citizen council to assist in desegregation. He asked that its members make broad recommendations about racially balancing the schools and oversee complaints from the community on the handling of school desegregation.16/

Largely for fear of white flight (which was overemphasized since desegregation could only be avoided by moving not just out of Louisville but out of Jefferson County as well), the council decided that more blacks should be bused, and for more school years, than whites. This recommendation to the Judge was opposed by other community groups, notably the United Black Protective Parents (UBPP), who pointed out that blacks were still being treated unfairly despite court-ordered school desegregation.

Louisville has comparatively little mandated citizen participation, but it does have a wide variety of citizen-initiated efforts to oppose or to support desegregation and to work out the ensuing problems.

Strong Public Opposition to Busing

The merger of the two school systems and busing elicited much more public protest than had been anticipated during the summer of 1975. School opening was marked by an upsurge of racism, violent protest in the streets, attacks on buses and black children, and some visible revival of the Ku Klux Klan, which had been dormant in Kentucky for 40 years.17/ Even the American Nazi Party merged in Louisville, as it had appeared in a South Boston storefront when busing began in that city the year before. Anti-busing and anti-desegregation leaders organized 10,000 sympathizers for a march and mass rally--in defiance of a court order. When pro-desegregation leaders organized a counter-demonstration and mustered only 90 persons, they were set upon by their antagonists.

Harrassment of merchants and businessmen supporting the court order was a tactic used by one group--the Christian Posse Comitatus, a paramilitary organization.18/ Boycotts of schools and businesses and mass demonstrations propagated by extremist and moderate anti-busers alike were common in the fall of 1975.

An anti-busing labor caucus, which was reported to have assumed leadership of the anti-busing movement throughout the county, was significant in Louisville. Louisville is an industrial city, with several large automobile plants; thousands of rank and file workers from General Electric, Ford, and International Harvester joined demonstration activities, and some accusations were leveled at union officials for contributions to the movement from union treasuries.19/

One anti-busing leader who works at the International Harvester plant, noted that many workers were growing more concerned about the quality of education in Louisville schools. 20/ Another anti-busing spokesman for the labor caucus explained that his group has switched tactics, relying on lobbying and legal action, especially in efforts to amend the constitution to prohibit busing.21/

The Jefferson County school department gave only grudging support to the court's actions. School officials did not publicly support any efforts of the citizen-initiated organizations to assist in desegregation. Only one body, the PTA, was permitted to represent the public to the school board and school administration throughout the desegregation ordeal. Members of that organization earlier had made known their opposition to the court order and to the desegregation plan.

Citizens Built Strong Groups to Support Desegregation

Despite the hostility of school officials and others in the community, and despite the lack of formal organizational vehicles for citizen participation, concerned Louisville and Jefferson County residents built some strong organizations. Each one addresses a slightly different facet of the school desegregation issue and each articulates the concerns of a somewhat different constituency; all have been formed in response to genuine educational, political, or legislative issues connected with the schools.

While reaction to the ideal and practice of desegregation is responsible for the vast majority of citizen activity in schools now, originally other issues provoked the public to organize. Most citizen groups working in the Louisville-Jefferson County School District represent the interests and concerns of city dwellers. This has been a necessary development, in one respect, since county interests have usually prevailed over urban ones in the newly merged school district. Louisville residents--white and black, middle-class and poor--have had to struggle for equitable treatment from school officials. Through the merger of the school districts, Louisville residents lost substantial control over their schools. County residents outnumber city dwellers in the combined district and school board representation is divided between the city and county on the basis of population.

Due to the city-county merger, both low-income blacks and whites found themselves faced with three problems in common. First, in the effort to ensure educational equality, low-income white children were bused from the Portland area of Louisville to suburban schools where they were "tracked" into more vocationally oriented classes than their parents would accept. Second, substantial numbers of black children were bused from the city to the county with the result that both their educational rights and their safety were frequently endangered. A third problem which tended to unite blacks and whites to organize together was the threat to close certain schools because of the merger (i.e., Belknap Elementary School and Roosevelt Community School mentioned below).

The United Black Protective Parents (UBPP)

This organization is a low-income group which formed to protect the rights of minority children in newly desegregated schools. Members spend 90 percent of their time trying to return expelled black students to the classrooms and to protect them from often blatantly unjust treatment by insensitive school officials who are hostile both to desegregation and to city children's needs.

The UBPP goes into the schools on behalf of a particular child when a situation arises placing the student defenseless before school authorities. The group has negotiated with teachers and principals on behalf of students in trouble, and it has offered strong support to other black parents who have encountered problems with schools. When necessary, the group has helped people obtain otherwise inaccessible legal advice.

One organization member whom we interviewed reported that the need for such a group is most critical. Black students, it was alleged, have been attacked by the Ku Klux Klan on school grounds. Students also have been verbally abused--often with racial slurs--in classrooms by teachers and administrators; female students have been sexually abused by white male teachers and administrators. Students who have resisted school authorities' racist practices frequently have been expelled. They are often mistreated by police and subsequently ordered to answer charges in juvenile court. Students in legal trouble have been helped by the UBPP to obtain services from the Louisville chapter of the American Civil Liberties Union. Despite considerable efforts, UBPP members insist they need still more legal help than is now available.

Two UBPP leaders reported that black students in the Louisville-Jefferson County schools are being penalized for integration. Although UBPP members seek good education for their children, they feel that black students and parents have had to carry too great a burden in school desegregation. Specifically, authorities have failed to provide adequate physical protection in the transportation process and, equally important, students suffer from the insensitivity of some school personnel as they try to adjust to their new surroundings. Contrary to national reports stating that blacks have been losing some of their commitment to desegregation.[22] UBPP members stressed that their objectives were based *solely* on the problems mentioned above. Nevertheless, despite these difficulties, UBPP emphasizes that it continues to support desegregation as the only long-range way to overcome minority status and provide equal educational opportunity to all citizens.

Community for Educational Excellence

The Community for Educational Excellence is an umbrella community organization comprising religious, civic, and voluntary groups, and aimed at developing strategies to affect community support for quality education. It was formed, in part, in response to city/county tensions. According to its Executive Director, CEE's purpose is to improve the relationship between city residents and the Jefferson County community. It also seeks better relations with the Jefferson County Board of Education.

CEE received $70,000 through the Emergency School Aid Act (ESAA) to support its programs. Twelve cluster, community-support councils were created by CEE to work with the 6 elementary school clusters, 3 middle school clusters, and 3 high school clusters created by the court. Each cluster council sends 5 representatives to form a countywide cluster council to develop broadly based strategies for working with the school board. The CEE created an interim Steering Committee of 12 to 17 members, with broad community representation, to maintain open communication channels among a diverse constituency and to disseminate vital information among the 12 other community support councils.

In the winter of 1977, the CEE sponsored a panel discussion on two specific topics: community involvement in critical school board decisions; and community involvement in a specific issue: opposing renewal of the superintendent's contract and the Board of Education's stated goals for the school system.

Progress in Education (PIE)

This organization emerged in response to the violence which had marked the first few days of court-ordered desegregation in the fall of 1975. PIE members were among those 90 citizens who had demonstrated their support of desegregation during the mass anti-busing rallies that September. In this initial stage, about 25 percent of the organization's members were black.

PIE Enlists Blacks and Whites in Common Cause

A spokesperson for PIE has pointed out that it is insufficient for whites to give armchair, liberal lip service to the democratic creed; genuine support requires whites to join blacks in an arm-in-arm struggle to make equality more than just a dream. Most PIE members are white, young, and well-educated. According to a white spokesperson for the group, white members must "demonstrate to blacks that not all Louisville white people are racists or victimized by racism." Moreover, PIE members have pointed out that racism hurts whites in specific ways. Questions which blacks have raised concerning the distribution of society's resources, and the rights of all citizens to quality housing, jobs, and education, are of importance to whites as well as to blacks. PIE's basic position is that blacks and whites have a common cause in reorienting the economy and developing relationships in society which discourage both class and racial oppression.

To help implement school desegregation, PIE members, working through action-oriented committees, have:

1. Sponsored a public forum for receptive School Board candidates and members.
2. Worked with merchants who were threatened with economic reprisals if they did not post anti-busing signs.
3. Written letters to editors and encouraged other public expressions of support for desegregation.
4. Monitored School Board meetings and addressed the School Board on issues like bus schedule snarl-ups and unfair discipline practices.
5. Spoken in favor of busing at County Judge Todd Hollenbach's eight "Alternatives to Busing" forums.

Moreover, PIE believes that quality education is possible only in an integrated environment.

On April 23, 1977, PIE co-sponsored an all-day workshop on the schools with the United Black Protective Parents (UBPP) and the Louisville Civil Liberties Union. The workshop--entitled "The Crisis in the Schools: What Can We Do About It?"--attracted approximately 200 participants.

Citizens' Education Workshop (CEW)

Unlike PIE, the Citizens' Education Workshop (CEW) came into existence in direct response to a specific emergency, the closing of the Belknap Elementary School. It then organized to promote informed and responsible community involvement in decisions affecting public education. According to a spokesperson, community members are both owners and consumers of the public educational system. To exercise their responsibility effectively, people must be aware of the educational issues in the school system. The CEW seeks to further this community awareness in Jefferson County by:

1. Stimulating public dialogues concerning public policy and needs.
2. Reporting on School Board meetings.
3. Investigating and evaluating optional schools, placement procedures for special education, and methods of reading instruction.

4. Maintaining a central library of materials from the news media and other sources.

5. Publishing a monthly newletter for members and other interested organizations.

6. Providing workshops and task forces on school desegregation.

7. Providing educational forums.

The CEW is an independently-organized group of approximately 30 concerned citizen-parents. Members are city residents and mostly white. It maintains regular communications with other educational and community organizations such as Roosevelt Community School Board, Belknap Parent Group, Belknap Community School Board, UBPP, PIE, and anticipates instances of specific cooperation in the future.

The Belknap Parent Group (BPG)

The organization was formed in the fall of 1975 simultaneously with the Citizens' Education Workshop as a further response to the school board's decision to close their neighborhood school. School closing policies were applied most often in the city of Louisville and not in the county. The BPG, mostly white, middle-class people, opposed the move and convinced Judge Gordon not to allow the school to close. The group also was successful in halting a similar move by the school board in the fall of 1976. The Belknap parents were helped in their activity by other citizen action groups, notably the CEW, PIE, the UBPP, and the Roosevelt School Community Board.

A spokesperson for the BPG pointed out that the success of parents in preventing a school closing in another neighborhood (the Roosevelt Community), had encouraged them to act.

Resisting the decision of the Jefferson County School Board, the Belknap parents proceeded to revive their local community school board. Before the 1975 merger, some 52 community school boards had been formed in the Louisville school district. Although the superintendent had encouraged them to form and had helped them develop some significant power, they were abolished by the joint school board. While the Belknap board, along with Roosevelt, is the most outstanding example, a few other community school boards have also struggled to survive the merger.

Roosevelt Community School And School Board

The Roosevelt School and the Roosevelt Community School Board (RCSB) are a unique phenomenon. So far they have managed to resist the school district's attempt to destroy their autonomy and community school board. At the time of our survey, the RCSB was not recognized by the county school board and functioned only with the blessing of Judge Gordon. Gordon declared the school racially balanced, based on the percentages of blacks and whites living in the Roosevelt Community-Portland area (80 percent white - 20 percent black). Since the school was exempted from the busing order, Roosevelt was free to retain its own board and to continue the massive parent-citizen participation in the governance of the school. It is reported that approximately 80 to 90 percent of the Roosevelt community supports its community school status.

Roosevelt was one of the city schools that was best organized during the conflict with the Jefferson County School Board. Moreover:

> It's a school with more children under the poverty line than any other in Louisville; a school where parents, teachers, and administrators have consciously tried to deal with prejudice and bring black and white people together; a school that has brought in Federal money, new programs and has worked to involve the whole community. 23/

This is an interesting example of a situation in which the spirit rather than the letter of the law has prevailed. Blacks and whites collaborated so that desegregation worked in fact rather than in theory.

BOSTON: MANDATED AND CITIZEN-INITIATED PARTICIPATION SIDE BY SIDE

Desegregation of the Boston public schools had been prominent on the city's political agenda for almost a decade before busing began in September, 1974. Under the 1965 Massachusetts Racial Imbalance Law, the State's Board of Education was authorized to require any school system in the State to develop and implement a desegregation plan with minority student enrollment over 50 percent if schools were found to be racially imbalanced. The implications of the legislation for the Boston schools were immense. By 1971-72, 84 percent of the white students attended schools more than 80 percent white; 62 percent of the black students attended schools over 70 percent black. 24/ The likelihood of school desegregation and busing became a simmering political issue.

Supreme Court Ruled Against School Committee

In March 1972, the Boston chapter of the NAACP filed a complaint on behalf of a group of Boston parents, charging that the School Committee had created and maintained a segregated school system. In June 1972, Judge W. Arthur Garrity, Jr. ruled in favor of the plaintiffs.

In June 1972, the State Board of Education issued its first order that the Boston School Committee take steps to eliminate the racial imbalance in the city's schools. After the submission of inadequate desegregation plans by school officials and an attempt by the School Committee to overturn the State order, the Massachusetts Supreme Judicial Court ruled against the Committee.

The Court next required a proposal for activating the State Board's orders by the spring of 1974 with the further stipulation that it be put into effect in September 1974. Pressure on the School Committee to begin desegregation was mounting; both State and Federal funds were temporarily withheld because the city of Boston was continuing to maintain a segregated school system.25/

In June 1974, after two years of hearings and study, the Federal District Court ruled that Boston had to desegregate its schools by the following fall. Judge Garrity, in his exhaustive ruling, required that the School Committee put into effect the provisions of the State Board's plan as a temporary--admittedly inadequate--step toward complete desegregation. This temporary measure was known as "Phase I" and Judge Garrity also required the School Committee to prepare a more adequate desegregation plan for the next school year, this to be known as "Phase II."

When the School Committee failed to respond promptly, Judge Garrity appointed a five-member, blue-ribbon council of masters to develop Phase II. The chief planner and expert consultant for the court, Robert Dentler, Dean of the Boston University School of Education, helped to develop a strategy which included university and business affiliations for the schools.26/ This plan was also an attempt to improve the educational resources of the school system and to take the administrative process, as Dentler put it, "away from headquarters. . . to the points of contact with clients."

Strong Groups Clashed on Desegregation Issue

The Garrity decision, both long-range and short-range, was greeted with disbelief and dismay by many Bostonians, and with outright hostility by the School Committee. Appeals were filed and eventually carried to the U.S. Supreme Court on a writ of *certiorari* where they were denied. Opponents of desegregation, both established political figures and citizens at the grassroots level, decried the decision and carried out past threats about what they would do in the event of a desegregation order.

The constituents, long identified as anti-desegregationists and anti-busers, along with many new participants, organized mass demonstrations and encouraged parents to boycott the desegregated schools when they opened in September. Arrayed against desegregation was a formidable bloc including most school officials, most city officials, many white, blue-collar neighborhood residents, and in a maverick departure from its national organization, the State AFL-CIO.

As a counter move during the same summer of 1974, two community groups, one predominantly white, the other largely black, worked in support of the desegregation plan. Their activities paralleled one another. The Citywide Coalition and Freedom House ran workshops, visited neighborhoods, installed rumor-control programs and trained parents to serve as monitors in schools when classes began. These people became the core members of the court-mandated councils which were eventually installed.

Steps to implement the Phase I desegregation plan were taken during the summer. They were often too hastily designed in the rush to meet the opening-day deadline. When school opened in September, few persons were really prepared to begin the year under the new system. Confusion, fear, and anxiety kept pace with the buses as they drove through city neighborhoods bringing minority children to white neighborhood schools for the first time.

Primitive violence was prevalent in a few neighborhoods, and tempers were running high throughout the city in the first months of the year. In several schools, violence reached epidemic proportions. Unrest in schools, combined with agitation in the streets, led to the closing of schools in early December and through part of January 1975.

Busing: A Crucial Issue

During this period of continued unrest, Judge Garrity perceived that a major obstacle to successful desegregation was the Boston School Department's highly centralized and bureaucratic administrative system. For a long time, this had prevented parents and other interested citizens from effectively expressing their views to school officials. This communications gap was brought to a head by the inflammatory issue of busing. Even some of those who might support desegregation in theory strongly opposed busing as the best means to an end. Consequently, opposition both to desegregation and to busing prevailed at all levels of the school system in the school year 1974-75.

Mandated Citizen Councils and School Decentralization

During this critical year Judge Garrity introduced several strong measures as a counter-attack to those attempting to block desegregation. He established, in the fall of 1974, the first court-ordered councils for citizen participation in the desegregation process. By creating and empowering these councils, the Judge provided a way for those most affected by the court order to participate in school affiars. In a parallel move, he decentralized the one, overall Boston School District into nine subdistricts, called Community School Districts, which roughly correspond to city neighborhood patterns. Each district has its own superintendent, its own council of principals and a principal in each school building. Judge Garrity's aim was threefold: first, to break up a huge school system into manageable administrative units which included both white and minority neighborhoods--these, in turn, would permit logical school pairings and minimize busing; second, to provide each school district, working with the newly-created citizen councils, a way to resolve its own individual problems at the local level; third, and most important--by bringing school administrators closer to their communities on a day-to-day basis, and, by requiring closer involvement of parents in educational decisionmaking--to make it possible for the parties to deal with desegregation not as a court order but as a living fact.

Although the 1975-76 school year began with demonstrations in various parts of the city and was marred by a tense week in May at South Boston High School, for the most part this first year of Phase II was a more successful implementation of desegregation.

The Boston Councils

During Phase I, Judge Garrity established a Bi-Racial Parent Council, now called the Racial-Ethnic Parent Council (REPC), at each school building; he also appointed a Citywide Parent Advisory Council (CPAC). Under Phase II the Judge added two more councils, a Community District Advisory Council (CDAC) for each of the nine districts and another citywide council, the Citywide Coordinating Council (CCC). This three-tiered council structure corresponds to the School Department administrative structure.

In creating these councils, Judge Garrity was following national precedents of earlier desegregation rulings.27/ Most desegregation plans approved by the Federal Courts since 1970 have mandated the formation of citizen advisory groups to stimulate positive citizen involvement in school issues and to offset the influence of anti-busing and other anti-desegregation organizations.

Racial-Ethnic Parent Councils (REPC)

Each school has a Racial-Ethnic Parent Council (REPC) elected by and from parents of school children in that building. Elementary school councils have three members for each racial group represented in the schools. The middle schools' councils have four parents for each group. The court required that black and white caucuses be represented. Hispanic and Asian representation is required if there are 20 students from either minority group in the school.

The function of the REPC's is to monitor the desegregation process in their particular school and to help schools run more smoothly by minimizing racial incidents. REPC's provide a means for parents, teachers, students and administrators to communicate and to solve problems. Members also participate in decisions on a variety of educational issues. Each REPC has a teacher coordinator paid by the School Department.

Citywide Parents Advisory Council (CPAC)

This council was originally created to support and assist the work of the school REPC's. It is an all parent group of 22 members, formerly elected by the REPC's. Each district elects one black and one white member; two Hispanic and two Asian members are elected on a citywide basis. As a result of a 1977 Memorandum the CPAC's composition and function shifted; members are now elected by a CDAC caucus and have the responsibility to coordinate, support and supervise the CDAC's.

In addition to monitoring the CDAC's, CPAC has the responsibility for preparing proposals to obtain State aid for new programs, for testifying at School Committee meetings and for meeting when necessary with the School Committee and School Superintendent. CPAC has a paid staff.

Community District Advisory Councils (CDAC)

A Community District Advisory Council exists in each of the nine community school districts, and, on behalf of the courts, monitors the desegregation process in that district. This monitoring function was recently expanded to include investigating and assessing all subjects bearing on the education of public school children, such as building repairs, transportation and safety, special needs, bilingual and vocational education, faculty, administration and overall school discipline. CDAC's also work closely with Racial-Ethnic Parent Councils (REPC's) in the individual schools and have the responsibility for their support and supervision, replacing the CPAC in this function.

In addition, they serve as advisors to the nine District Superintendents on a regular basis and provide a direct line for REPC's to communicate with these superintendents.

The CDAC is composed of one parent elected from each REPC in the district and ten court-appointed representatives from business, labor and community agencies. It is not unusual to find parents, policemen, university professors, and representatives of the Mayor's office working together on specific issues. CDAC's composition echoes the Citywide Coordinating Committee (see below) at a more immediate, local level.

CDAC has a full-time, paid coordinator and administrative assistant. Federal funds, through the Emergency School Assistance Act, pay office expenses.

The Citywide Coordinating Council (CCC)

During its first year of operation, the CCC was a 40-member, blue-ribbon commission consisting of business, university and civic leaders. It was supposed to function as "the eyes and ears and strong right arm" of the Federal Court.28/ After the first year it was reduced to a 15-member, court-appointed group of parents and representatives from business, education and civic organizations.

The CCC's primary responsibility is to monitor desegregation on behalf of the Federal Court and to serve as a direct conduit for information to and from the Judge. It is also charged with the following tasks: laying the groundwork for comprehensive, future desegregation; providing an accurate flow of information to the public as well as the Judge; serving as a link between the CDAC's and the CPAC; and formulating standard procedures for people to obtain accurate information directly from the School Department.

CCC is still an influential body although it has met with resentment in some quarters. Anti-busers view it as an alien group created by the unpopular court order. Parents who serve on the other court-mandated councils are apt to regard it as elitist since it includes few Boston parents and members do not play a direct role at the local school level.

CCC will eventually be dissolved and its duties assumed by other mandated groups.

Councils Provide Accurate Flow of Information

These councils and committees are, as a whole, intended to serve as an interlocking network which includes those most concerned with the process of desegregation--

school personnel, parents, students, community and business groups, and other involved citizens. They are designed to provide an accurate flow of information back and forth among all participants and to identify and resolve problems associated with implementing Judge Garrity's desegregation plan.

Racial Tensions Emerged in REPC's

Of all the mandated groups, the ones closest to the day-to-day workings of the process of desegregation are the Racial-Ethnic Parent Councils. It is in the REPC's that local racial tensions have surfaced, and in some cases, have been dealt with effectively. It is reported that parents on the councils, however, are reluctant to confront the issue of racism head on, and this development has stalled effective REPC work on some educational issues.29/

The effectiveness of the REPC's greatly depends on the willingness of individual principals to cooperate with them. Some principals have a strong working relationship with their REPC members; others, who oppose desegregation by indirect means, take advantage of low parent turnout at council elections and encourage parents who support the school establishment to run for office and serve.30/

REPC's have sometimes had difficulty in obtaining accurate and relevant information. Parents are apt to receive either too little information or too much for them to reasonably assimilate.31/

The Hispanic, Asian, and Native American communities in Boston do not always find their presence welcomed despite the fact that the court order requires that they be represented on the REPC's. The councils are often viewed inaccurately as biracial councils, for black and white parents. This perception, common among other minority parents and residents, is reinforced by the frequent absence of Spanish and Chinese translators at the council meetings.32/

In addition, students in each city high school are to elect a Racial-Ethnic Student Council replicating the composition of the REPC's. Only a few of these councils have been formed.33/

Desegregation Provides For Other Kinds of Citizen Involvement

The desegregation plan in Boston has also provided for two other significant forms of citizen involvement. Local corporations were required to work with schools to provide special services and curricular improvements. Also, in a move unique to Boston, more than 20 area colleges and universities were paired with individual schools or subdistricts. These university pairings, partially funded with State money, have thus far been largely successful.

School desegregation in Boston has sparked widespread citizen-initiated activity in a variety of areas. Brief comments about some of these activities will show that desegregation is an issue which spurs citizen participation in many other positive forms.

Freedom House

This is a well-known , black, multi-service organization in Roxbury. Through the Freedom House Institute for School and Education, it has emerged as an important force representing the interests of the black community in desegregation. It is not limited to Roxbury residents, but includes persons living in Dorchester and Mattapan as well.

Leaders are concerned about one-way busing of black students out of their neighborhood school districts with little reciprocal busing of white students into them. Therefore, they have intensified their focus on several key issues:

1. Lack of balance in closing schools in city neighborhoods, with an overemphasis on Roxbury and other black community school closings.
2. Inequities in the open-transfer policy, which discriminate against blacks and other minorities because of disparities in curricula and inconsistencies in performance expectations at all grade levels in city schools.
3. Low numbers of black and other minority students in Boston Latin and in the technical schools.
4. Unfair employer practices toward black and other minority teachers, who, because they are hired on a per diem basis, have little chance to become permanent salaried staff members or to receive tenure.

Steps taken by Freedom House members to help increase citizen participation in schools and in desegregation have included: establishment of hot lines to answer desegregation-related questions; recruitment of minority persons as bus monitors, transitional aides, and traffic supervisors; arranging workshops for teachers, parents, and students on racism, desegregation and educational topics; and holding weekly meetings for parents of children with special educational needs.

One of the most successful Freedom House efforts was its fundraising from the black community to hire a lawyer to work with the NAACP legal team in the on-going desegregation suit.

Citywide Education Coalition (CWEC)

The Citywide Education Coalition is a moderate but aggressive group of Boston residents who have adopted a variety of strategies to promote both peaceful desegregation and school reform in Boston. It was formed in 1972 to provide community involvement in the selection of a new school superintendent; in 1973 it was granted funds to run an information center about the State's Racial Imbalance Law.

Since desegregation began, the CWEC has recruited field workers and coordinators in all nine city school districts. Many of these persons are mothers who have been trained by the group for desegregation support activities. The directors of the coalition have worked both behind the scenes and in public with city and school officials on issues such as children's safety, physical protection, information delivery, and improvement of the efficiency of pupil assignment methods.

The CWEC has also helped to organize REPC's for the individual schools and has run a hotline on other issues. Members participated in evaluation of recent citizen participation in the process for selecting principals. Members and leaders pass on information and first-hand experiences to parents and officials through newsletters and meetings.

Restore Our Alienated Rights (ROAR)

The Nation's best known anti-busing group, ROAR, was organized in Boston by Louise Day Hicks, former member and chairperson of the Boston School Committee, twice unsuccessful mayoral candidate, former Congresswoman and former member of the City Council. Its active members are mostly women. Men tend to be actively involved in similar anti-busing activities through the South Boston Information Center, the South Boston Marshals, and the Charlestown Powder Keg organization.

ROAR, a citywide organization, has local chapters, the largest in South Boston. The group has a telephone network which can reach thousands of supporters in hours. Consequently, it was able to mobilize--very rapidly-- some 25,000 persons for a march on the Massachusetts State House in 1974.

ROAR leaders claim to represent their constituencies and this assertion seems to be accurate. Because they are fearful of infiltration and internal subversion, much of the group's in-house activity is conducted without publicity. Though comparative newcomers to obstructionist and confrontation politics, ROAR members and leaders indicated they had considerable experience in school affairs through previous work with the Home and School Association. Having absorbed most anti-busing groups, ROAR has few, if any, networking relationships with other citywide or community-based groups.

Some outside observers suspect that ROAR's influence is diminishing as parents and citizens have found protest and obstruction futile. Members' enthusiasm has been dampened significantly by failure of appeals to higher courts, including the U.S. Supreme Court, brought by the School Committee and the Home and School Association. Recognizing that busing is in Boston to stay, parents are now more interested in making schools really work for their children.

Home and School Association

This group has been the traditional vehicle for involving parents in schools; many observers report that it functions as a "company union." The staff director's salary and office expenses are paid for by the School Department. Ordered by the Superintendent "to exist" in every school, not all local chapters are active. The Home and School Association membership has shrunk dramatically as a result of the activity and authority of the court-mandated parent councils.

Chinese Parents Association

This organization was formed in August 1974, on the eve of busing. When desegregation started in Boston, the Chinese community expressed its displeasure at having been overlooked in the desegregation plan by boycotting the Citywide Parents Advisory Council and working independently in the schools. No Chinese parent occupies the designated Asian seat on Community District Advisory Council VII, which includes Chinatown. Still, Asian-Americans do occupy seats on some of the Racial-Ethnic Parent Councils. The court eventually came to recognize the unique interests of Chinese children and parents under school desegregation.

Mission Hill Task Force

Located at the Mission Hill Extension, this group grew out of the Boston Housing court mandate and was given the responsibility to monitor and report on the functions and duties of the Boston Housing Authority (BHA). A low-income organization with over 200 ad hoc members and a handful of aggressive leaders, the task force is a multiissue, crisis-oriented group. Education is one of its primary areas of interest. Its members are black and Hispanic and the two groups are reported to have developed a good working relationship.

Members lobby officials to address problems affecting the community, and--although our interviews did not lead to specific information on this point--members have also had recourse to the courts.

Isolation of the Mission Hill area by redlining, by school closings in the area, and by one-way busing, is of great concern to the organization. Members were dissatisfied with some of the "reforms" of the school committee, especially with the outcome of citizen participation in the selection of school principals. Minority and black candidates whom the community recommended were found "overqualified" or "underqualified" by the School Committee. Other staff problems were cited, including the lack of tenured minority faculty and high rate of turnover of minority teachers. This is largely attributed, as previously mentioned, to the hiring of minority teachers on a provisional, day-to-day basis without contracts and with no guarantee of tenure after their third year as provisionals. Task force members also reported that the court-ordered tiers of councils were more effective in theory than they were in practice. Meetings were described as "exhausting," and the way councils operate favored the participation of parents and citizens who had a great deal of time and energy to spend at meetings.

Massachusetts Advocacy Center

A citizen-initiated organization formed in 1969 as an ad hoc coalition called the Task Force for Children Out of School, this nonprofit, child-oriented, Statewide group allocates 65 percent of its legal work to problems of children in public schools. The advisory services offered by the center are funded by foundation grants and individual contributions. Cases most often pursued by the group are unjust suspensions of students and the problems that students with special education needs encounter when they try to obtain services mandated by the State's Chapter 766 special needs legislation. The Center does case advocacy work on individual problems of minority students in the Boston Public Schools.

El Comite de Padres

This organization, known simply as El Comite, is a loosely organized group of many Hispanic persons concerned with public education. The group has been effective working with parents on problems in individual schools. It is now represented by an attorney in the desegregation suit, and, because of this, have become prominent as representing the educational interest of Hispanic parents in Boston.

La Alianza Hispana

This group started in the summer of 1969, in response to the needs of over 5,000 Hispanic residents in the Roxbury-North Dorchester area. It is a Spanish-speaking agency which attempts to deal with the problems of newly arrived, Spanish-speaking people from Puerto Rico, the Dominican Republic, Cuba, Central and South America. La Alianza provides help in a number of ways--education (classes for children and adults in English as a second language); housing-referrals to available public and private housing; counselling and training for employment and the identification of existing and potential Hispanic businesses in the area.

An important branch of this agency is Social Services; this department tries to assist Hispanic people to make the difficult transition from one culture to another and to increase their ability to cope with the demands of everyday life in their new home.

Further Study Required

We will not draw firm conclusions about either court-mandated or citizen-initiated activities in Boston at this point, since we are now studying these activities in more depth. We will be particularly interested in identifying factors which make various kinds of groups effective and also the relationships between the mandated and citizen-initiated organizations. We will be searching for an understanding, more complete than our current impressions allow, of the impact on the Boston schools of an unprecedented amount of citizen participation.

DENVER: PEACEFUL IMPLEMENTATION

A 1973 Supreme Court ruling was necessary before Denver began to desegregate its public schools. The high court ruling was delivered in response to an appeal of a 1969 Federal District Court decision on the Keyes v. Denver School District No. 1 suit. The Supreme Court upheld the District Court contention that student desegregation in a part of a school district required desegregation of the entire district. In the court action, school officials were cited for having followed practices encouraging and maintaining physical separation of students on the basis of race and for fostering discriminatory staffing practices. 34/

The city school authorities failed to present an acceptable desegregation plan to the court. As in Boston, officials pursued all avenues of appeal and rejected several proposed desegregation plans. This led the court itself to develop a plan for the School Board to follow.

According to the Education Editor of the Denver Post, the combined resolve of Federal Judge William E. Doyle and a network of community organizations has overcome school officials' lack of leadership and the opposition of anti-desegregation forces. The peaceful implementation of the court order is a source of considerable pride and satisfaction to most elements in the community. But it appears that smooth desegregation is also the result of other factors.

Denver Less Troubled by Neighborhood Concept Than Other Cities

Although some residential areas of Denver are racially distinctive, few are "neighborhoods" as in Eastern cities. Emotional attachments to territory and to neighborhood schools are less established than those in the East.35/ The city's economy is less impaired by industrial underdevelopment and unemployment than are those of some other cities. Labor statistics show that two thirds of all industrial jobs are "white collar." 36/

Another important factor in Denver's desegregation history is the character of the plan itself. Desegregation was to be achieved primarily through school pairings. Students from black and Spanish schools spend part of the day in white schools; white students whose places are taken by the minority students spend the same part of the day in the minority schools. Basic subjects are studied at the home schools and "enrichment" and "cultural" activities are conducted during the pairing sessions.37/ At the high school level, desegregation has been effected through rezoning districts and establishing satellite zones. Of the 70,000 students in the Denver schools, 23,000 have been at least partially relocated. In many respects, the plan adopted in Denver is less disruptive of established social and educational patterns than plans adopted in some cities.

School Pairing Effective in Denver

Pairing in the desegregation of Denver schools was chosen for several reasons; these reflect court concern for maintaining community involvement and participation with the schools and school officials. Pairing aims to:

1. Give students an identificable neighborhood school.

2. Give parents of students the chance to identify with a nearby institution.

3. Open the neighborhood school for more extensive extracurricular activities.

4. Maintain the local school as a social institution.

5. Permit parents in home and paired schools to exert joint influence in overseeing the adequacies of school performance.

6. Permit the inauguration of local programs in home schools to assist in desegregation. 38/

Bilingual Education A Serious Limitation

One problem in the overall desegregation plan is the bilingual education provision. Spanish-speaking or Mexican-American students comprise about 25 percent of the system's enrollment. To win support for desegregation among Hispanic residents, special bilingual educational programs were promised throughout the city. These programs have not yet been designed and carried out, and this failure has been discouraging to many citizens.

CANS -- Organized Opposition to Busing

Denver's acceptance of desegregation and busing has not been unqualified. Many opponents of desegregation, including school officials, have made their positions publicly known. Citizens opposed to the court order formed the Citizens Association for Neighborhood Schools (CANS). During its earliest stages this organization helped elect an anti-busing candidate to the School Board.

CANS is a ROAR-style, anti-busing group, rooted in the white working-class southwest section of Denver. About 30 to 40 strong, the group was obstructionist and hostile both to the court order and to citizen efforts to implement it smoothly. It advocated a boycott of schools and the violence which flared briefly as the boycott date approached was blamed,in part, by a Denver journalist on CANS' inflammatory posturing. The boycott was finally rejected by parents, and, as a result, CANS lost much of its original strength.

When CANS joined forces with ROAR to initiate a nationwide anti-busing campaign, Denver citizens who had supported the group drifted away. At present, the organization is waning in strength and influence. Its political activity, strongly John Birch in tone, has been mostly limited to promoting an anti-busing constitutional amendment. The group has few advocates in other city agencies or bodies;

more important, the CANS home neighborhood is not well represented in any other political bodies in the city. As in Boston, alienation from orderly political process in a working-class neighborhood was linked with a radical anti-busing organization.

Strong Citizen Efforts to Overcome Opposition

Ill effects of inadequate political leadership in the Denver schools and in other citywide political bodies were overcome by a positive public information campaign. This effort was led by citizens concerned that schools offer children a humane learning environment. These citizens managed to remove an obstructionist superintendent and elect a positive majority to the school board; consequently, parents' influence in the school system was enhanced.

In a recent organizational plan, two citizen groups (one Anglo, the other Hispanic) were explicitly listed by the Superintendent as important resources available to the schools. One parent-citizen leader conceded that important attitude changes have taken place among school officials; the system is considerably more sensitive to the public than it had been, and curricular improvements have been initiated.

Community Education Council (CEC)

One of the innovative directives from the court included the appointment of a 64-person monitoring commission called the Community Education Council, chaired by Maurice Mitchell, Chancellor of the University of Denver, and former vice-chairman of the U.S. Commission on Civil Rights. This commission was composed of Anglos, blacks, and Chicanos, who were assigned to observe how the desegregation process was carried out and report to the court bimonthly.

There was no stipulation that council members be Denver residents or be connected to the school system. Members were affiliated with church organizations, universities, businesses, teachers organizations, civic organizations, media, labor, government agencies and elected officials.

The judge assigned the following responsibilities to the CEC:

1. To coordinate efforts of community agencies and interested persons in implementing the plan.

2. To provide education to the community about the court's findings and conclusions in the case, and on the constitutional requirements of desegregation.

3. To provide community education about required provision of services and facilities.

4. To receive and consider the comments, criticisms, and suggestions of the community in working out problems with the school administration, and report to the court as to the nature and resolution of such problems.

5. To report periodically to the court and the parties as to the execution of the plan, and provide on-going monitoring of such implementation. 39/

Although the Judge gave the CEC freedom to organize its own monitoring program, he stressed that it should collaborate with the School Department in carrying out the "letter and spirit" of the plan, and emphasized that CEC must convince the community that it will work for better education for all students. The court also encouraged the use of organizations and volunteers in efforts to comply with the desegregation order.

The CEC organized in committees with separate functions, following the strong recommendation of its chairperson to operate with no professional staff and one secretary. This strategy forced members themselves to do the work rather than to "become rubber stamps for a professional staff." About two-thirds of the members participated actively in the monthly meetings and in subcommittee activities, adhering to a no-substitute rule.

The Monitoring Committee was the major committee, with 14 members supervising 200 volunteer monitors. A team of monitors was assigned to each school. The monitors' responsibilities included information gathering and evaluation, observation, and reporting. These monitors, most of whom were parents, were the core of CEC's efforts through their day-by-day observation in the schools. CEC's chairperson reports that monitors eventually organized themselves formally, had committee meetings, and developed a strong team spirit.

The other standing committees were Transportation; School District Liaison, which has primary responsibility for liaison with the School Superintendent and his staff; Community Education; and Voluntary Agency Coordination.

The major concerns of the CEC, demonstrated in the three reports to the court in July, September, and October, 1974 included: the School Department's failure to implement bilingual-bicultural education as ordered by the Court; the uneven distribution of student enrollment from school to school; the related failure of the school department to develop a fair, evenly administered elementary school pairings (a key feature of the plan); and transportation.

The CEC chairperson regarded the Superintendent, removed by the School Board in late 1976, as strongly opposed to the court order. The CEC reports that the Superintendent engaged in a range of obstructionist activities, particularly an attempt to weaken the system of school monitors. The School Board was also resistant to the CEC, refusing to provide specific information on how the board planned to finance various desegregation requirements. The board chairperson told the CEC, when it was formed, that the Board "would pursue every possible avenue leading to the delay or reversal of the court order." 40/

The fact that CEC enlisted the support of business and civic leaders, including those in the real estate associations, and that it used the media to attack the obstructionist tactics of the school officials, has been credited by community members as having strongly contributed to the peaceful implementation of the court order.

People Let's Unite for the Schools (PLUS)

PLUS is a broad-based, non-profit, voluntary citizen organization, whose members include Anglo, black, Chicano, civic, church, and business groups. It is a coalition of about 47 Denver and Colorado organizations, strongly rooted in the middle class. Not all these members support busing and desegregation, but they do support non-violence and improving the schools. Many of the members have direct lines of communication with the Judge, the media, the university, and business and religious organizations. Such connections are considered to be the reason for PLUS's apparent effectiveness. Its purposes are:

1. To create a social climate in Denver which will result in a humane school community.

2. To encourage the growth of schools as service agencies for children by working toward excellence in education in each school.

3. To draw the constructive support of all Denver citizens for a positive people campaign which will make Denver public schools the pride of the entire community and thereby promote the economic strength of the metropolitan Denver community. 41/

PLUS did not take any position on the litigation which led to the court order for desegregation nor on the substance of the Judge's decision, but it did commit its members to "obedience of the law," regardless of the outcome of current appeals. Members attempted to put themselves in a middle position, emphasizing quality education and the continuing welfare of the children. The organization is in some ways comparable to the Boston City-Wide Education Coalition, and the Community for Educational Excellence in Louisville. Until very recently, members have worked with little money and no paid staff; an ESAA grant made possible a part-time paid coordinator and part-time secretarial help. Prior to the ESAA grant their only financial support was from local and national Episcopal churches.

The school administration opposed the ESAA grant. Members were displeased with the wording of the proposal, which was critical of them. Finally, however, they did sign the proposal for a $65,000 grant. The amount was reduced by the U.S. Office of Education to $17,500. The School District Office was also opposed to the organization's choice of director, a hard-working and aggressive PLUS coordinator, a citizen leader of Title I parent advisory councils, and a member of CEC.

PLUS has synthesized its two-year experience in working to promote peaceful desegregation in a way that may be of value to similar groups in other cities. Its major recommendations can be summarized as follows:

1. The coalition approach is far superior to trying to form a completely new organization with new members. A new organization competes with existing organizations.

2. It is important to provide trouble shooting help when teachers and parents have problems. This means that an organization must have access to the official court group, in this case the CEC, and to school officials in order to try to solve the problems.

3. Strong efforts should be made to bring business into the picture. At first PLUS was not successful in doing this in Denver, but now is developing an "adopt-a-school" program similar to those of the Trilateral Force in Boston and the School Partnership in Dallas.

4. It is important to move as soon as possible from an adversarial relationship with school officials to a harmonious one.

5. It is important to stress the best interests of children as the prime criterion for judgement and avoid organizational politics as much as possible.

6. In a coalition, it is important that each organization have only one vote. PLUS members believe that no one organization should be allowed to "take over" the group. It would resist the participation of any organization viewed as "extremist."

Parent-Teacher Association (PTA)

The PTA in Denver is credited by the former Chairperson of the CEC and the leadership of PLUS for its positive and aggressive role supporting the court order. Its role in Denver is different from that played by its counterparts in Louisville and Boston, where they were obstructionist, and in Dallas, where the PTA refused to participate in citywide coalition efforts.

However, the PTA is operating unevenly throughout the school system. About half the local school units are very supportive of desegregation efforts and programs to improve schools; others are dormant; and others are dominated by school officials. Many PLUS activists are also PTA members. This connection has helped some PTA locals and the citywide body to develop relations with school officals which are more clearly focused on school problems than previously. This new activism of the PTA has contributed to the more receptive attitudes of the central school administration to parent participation in school affairs.

The PTA locals, many of which left the citywide body in the earlier stages of desegregation, are returning to that umbrella group. The members are primarily middle-class, Anglo women, which has increased the concern of PLUS members about the tendency of active white women to "take over" in newly desegregated schools at the expense of Chicano and black members.

Other Organizations

The Hispanic Education Lay Advisory Committee is an important organization advocating the implementation of the bilingual education provision of the school desegregation plan. The group has been successful in attracting attention to the needs of Mexican-American students and was recently given direct access to the superintendent in a new school system organization scheme. Its members are, for the most part, Hispanic middle-class home owners.

DALLAS: COURT INSPIRED PARTICIPATION

The development of the Dallas desegregation plan and its eventual adoption and implementation are unique examples of the positive outcome of strong citizen participation in an issue of both legal and educational significance.

As in other cities, segregation in Dallas schools had become severe by 1970. Minority enrollment in the vast majority of city schools was either extremely high--often above 90 percent--or extremely low--frequently under 12 percent.[42]

A 1971 court order had required school desegregation, but the plan adopted had not sufficiently altered the racial composition of the city's schools. Although this court order was contested by plaintiffs immediately, several years passed before a higher court returned the case to the Federal District Court and Judge William Taylor for action.

The suit against the Dallas Independent School District was opened by Judge Taylor for the second time in the summer of 1975. In March 1976, Taylor issued orders from the bench, requiring further school desegregation and the specific adoption of a plan prepared by a group of community residents and business persons, members of the Dallas Alliance Task Force--a subcommittee originating in but not controlled by the Chamber of Commerce.

Business had become involved in Dallas school desegregation as a result of the persistent urging of Judge Taylor, a native of Dallas whose interest in positive change through desegregation extended beyond his courtroom role. Recognizing the civic responsibility of the Dallas business community, the Judge chided its members in the fall of 1975 for having done little to make the 1971 desegregation effort more successful. He challenged them to do better with any new programs following from eventual court action.

Dallas Businessmen Headed Desegregation Efforts

The business persons, some of whom had formed the Dallas Alliance earlier that year to help solve continuing urban problems, responded favorably to the Judge's appeal. The 40 trustees of the Alliance, with black and Chicano as well as white members, appointed the 21-member Education Task Force, headed by a former school principal, who, since leaving the school system, had been operating a successful retail chain.[43] Within three days, businesses had contributed $250,000 to the task force. For over four months in the fall of 1975, the Alliance met twice a week to develop a desegregation plan. Staff and members visited other U.S. cities to examine their desegregation programs and called in black and Chicano educators as consultants. Judge Taylor allowed the Dallas Alliance Education Task Force to participate in the hearings as amicus curiae. After consideration of all proposed plans, the Court ordered the adoption of the Alliance plan in its entirety. Observers state that the role of the business community in drafting this plan greatly aided its acceptance.

The court order of 1976 calls for citizen participation in specific and important areas, but there is no complex structure for citizen involvement as in Boston. A blue-ribbon advisory panel, the Tri-Ethnic Committee, appointed by the Judge in 1971, was continued in the new order.

Compared to some desegregation plans approved by courts elsewhere, the Dallas plan requires only minimal desegregation. Of the 141,000 students, only 17,000 were bused to different schools. High school students and pupils in grades K-3 remain in neighborhood schools, although liberal transfer policies were required by the court.44/ Students in intermediate and middle schools are bused to newly integrated and consolidated schools in their home school district. The court order divided the school district into six subdistricts, each of which was to reflect in racial distribution the ratio of black to white enrollment throughout the entire district. According to an education reporter for the Dallas Morning News, in formerly white, intermediate and middle schools, black and Mexican-American students sometimes predominate, offering evidence that some white families with children at those grade levels are "exiting"--moving from the district.

The court also required the development of magnet high school programs and four of these, with considerable business assistance, opened in September 1976. Hope was that voluntary desegregation would occur at the secondary level as magnet alternatives expanded. So far, enrollments are largely minority.

Parent Involvement Required

Citizen involvement in the 1976 court ruling stressed the use of parents and other volunteers not only to reduce the pupil-teacher ratio in the early childhood educational programs but also to maximize parent involvement in reinforcing and complementing their children's learning experience in the K-3 years. Schools were also to become partners with the community groups, agencies and businesses which served young children.45/ The court ordered a semi-annual audit of the school district's efforts to involve parents and other community people in educational programs and school-site planning. The Dallas Morning News reports that the audit, recently completed, shows more acceptance of parent involvement in daily school affairs.

School authorities, elected and administrative, have responded favorably to the desegregation plan and assisted the businessmen and citizens who spearheaded the campaign through the summer of 1976. One measure of the lack of hostility toward the schools and authorities participating in the desegregation program was the passage, by a wide margin, of an $80-million bond issue referendum for building improvements and some new construction in the Dallas Independent School District; this occurred in December, 1976, despite opposition from the NAACP.

Community Participation Prevented Violence

The community-wide participation through the Education Task Force helped Dallas avoid any unpleasant, violent episodes in desegregation. However, Robert Greenwald of the U.S. Department of Justice Community Relations Service pointed out that since the students' routine was only minimally disrupted, desegregation in Dallas did not stir up the anger and frustration which led to public resistance elsewhere.

Assistance in the desegregation of the Dallas schools came from the various organizations mentioned below.

The Chamber of Commerce

The most active sector of the Dallas community was the Chamber of Commerce and the subcommittees it formed to help the school department in desegregation. Business persons, civic leaders, clergy, and community organization representatives participated in the activities of the Education Task Force, the Dallas Desegregation Network, and the Committee for a Smooth Transition.

Major activities of the Chamber and its subunits included:

1. Developing a desegregation plan for court approval.

2. Fund raising for a massive P.R. media campaign to promote desegregation and support for the court order.

3. Persuading some 720 Dallas corporations to distribute pro-desegregation material in employees' pay envelopes and to provide space for

posters and other material to be distributed to employees.

4. Sponsoring an "adopt-a-school" program with companies monitoring desegregation in the schools, providing release time to employees to volunteer in schools, raising money for special education materials in schools and for field trips.

5. Preparing a special film, "Keep It Together, Dallas," to inform residents of the desegregation plan and its accompanying educational improvements, e.g., magnet schools. It featured key business and civic leaders speaking in support of the plan, as well as other Dallas citizens endorsing it for other reasons. It was shown on all local television stations simultaneously and also to private community groups.

6. Sending about 5,000 letters to employers asking them to give release time to parents for visiting schools and conferring with teachers in the implementation of an innovative reading program.

7. Loaning 12 executives to the school district to assist in the implementation of the plan.

8. Loaning other executives to assist in the development of the four magnet schools for the arts, business and management, health professions, and transportation. These executives designed work experiences for students and members of the business task forces went into the schools to recruit high school students for their program. A total of 194 paid internships for high schoolers were arranged and enrollments in the programs exceeded expectations.

The Chamber of Commerce had received a $60,000 ESAA grant to finance its assistance efforts. According to Greenwald at the Dallas office of the Department of Justice, "the Chamber went about supporting desegregation as though they were selling automobiles." The Chamber's documentation of efforts reveals a traditional marketing strategy which proved highly successful.

Several organizations worked in concert with the Chamber.

The League of Women Voters

This organization was the most active force in the Committee for a Smooth Transition, working with the City Council of PTA's and the School District. After meeting with 40 different groups--civic, religious, business and student-employee organizations, and the U.S. Justice Department--the League selected a 25-member committee of mixed ethnic and local geographic background. The aim was to involve parents and other citizens in active, positive, desegregation-related projects. A speaker's bureau was established and information centers in public libraries were set up and advertised throughout the community. Members worked with school officials to control rumors and conducted parents on orientation visits to new schools.

The Desegregation Coordinating Network

This organization was formed to coordinate activities and information among the many different groups working with the school district. Its newsletter, colorful and readable, has been credited with keeping the public regularly informed about developments in the schools.

The network is made up of 32 groups and agencies. It has eight component task forces representing major aspects of community life: business, religion, PTA, organizations and agencies, district advisory committees, higher education, youth groups, and realtors. A staff, drawn from business, religious organizations, and the schools, oversees activities. Each of the task forces is run by one staff person.

The network aims to recruit volunteers, to encourage the "adopt-a-school" program (pairing organizations or businesses with individual schools), to disseminate information, and to open community resources to the schools.

During the summer before desegregation began, this Network organized citywide information days, with one day's program in Spanish, at different sites throughout the city. Over 300 volunteers participated in the program, answering questions, distributing materials, and recruiting more volunteers. The network has continued to be active, absorbing the projects of the Committee for a Smooth Transition and the Chamber of Commerce.

The PTA's

The Dallas PTA's withdrew from active involvement in pre-desegregation support efforts, a move which deeply disappointed the Committee for a Smooth Transition and other active citizen groups. One informant suggested that this organization, both at the citywide and at the local school level, was reluctant to take any position on an issue as potentially divisive as school desegregation. Since the program has proven successful in Dallas, the PTA's have begun contributing to the efforts of the coordinating network.

The Tri-Ethnic Committee

Appointed in 1971 by Judge Taylor, this monitoring Committee which included Hispanic, black and Anglo representation remained largely inactive. After the new court order of 1976, the Judge ordered that committee into action for a second time. The court has recently approved plans to restructure the committee, change its name and provide it with a full-time staff, allowing it to examine more effectively the progress of desegregation in individual schools. Such issues as inadequate distribution of resources throughout the city, the success of magnet schools, and application of discipline among black, white and Spanish students will continue to be its most prominent concerns.

Th[illegible] Association for the Advancement of [illegible] (NAACP)

[illegible]ches of this organization are divided [illegible] to the court's plan. Some members, [illegible]t of community thinking, believe that [illegible]ively change the balance of races and ethnic groups in the schools. Others appreciate the progress toward desegregation which the plan calls for.

The organization as a whole, however, has appealed the 1976 court decision ordering the implementation of the Alliance plan. Opponents of the plan cite the East Oak Cliff area of Dallas, where 27,000 black students have not been affected by the court order at all. In the opinion of a Dallas Morning News reporter, desegregation planners who permitted the East Oak Cliff schools to remain largely segregated espoused a novel kind of rhetoric sanctioning "separate but superior" education. The NAACP refused to endorse the $80-million school-improvement bond issue approved in the December 1976 election; NAACP members maintained that it was part of a school district effort to convince the court that it was committed to minority education and to conceal the obvious omission of East Oak Cliff from the desegregation plan.

No Significant Opposition

To the surprise of many non-Dallasites, there has been no significant opposition to school desegregation in that city. Incidents are few both inside and outside the schools. Persons opposed to the plan express their opposition in letters to newspapers and in private circles rather than in organized protest. Furthermore, it was noted that efforts to win public support for the desegregation plan resulted in an interesting development in Dallas's social mores: it was apparently "unchic" to oppose desegregation and busing.

EMERGING PATTERNS AND IMPLICATIONS

These brief descriptions of events and organizations in four cities include nearly all the modes and styles of citizen activity related to court-ordered desegregation of schools. Emerging patterns of response can be identified, and we can expect these patterns to reappear in other cities undergoing similar court-ordered desegregation.

Individual Activities

In addition to organized, collective citizen participation, desegregation has stimulated and increased different kinds of individual involvement in the schools. These activities are beyond the scope of our study; however, we note a few examples. The school volunteer program in Boston has flourished, attracting substantial numbers of men and city (as opposed to suburban) volunteers for the first time. In Denver, individual volunteers serve as monitors and provide the court-mandated citizens council with accurate information about in-school conditions. PLUS stressed individual parent involvement in classrooms and schools, with the volunteers playing a wide variety of roles; these ranged from talking to children about careers to actual classroom tutoring.

Parent Involvement Requires More Study

It is clear that school desegregation has increased the quantity of citizen participation in school decisionmaking and broadened the base of the decisionmaking. It is not clear whether this broadened participation has led to an increase in the quality of parent involvement in the day-to-day operation of schools. Are more parents talking more often to teachers, principals and counselors, visiting the school regularly, and becoming knowledgeable about school programs? Is this a short-range or a long-range phenomenon?

We know of no specific studies that focus on this kind of day-by-day informal involvement resulting from desegregation orders. This area of concern is beyond the scope of our current studies in Atlanta, Boston, and Los Angeles. Nevertheless, we wish to identify it as an area deserving further attention, as some observers believe that this kind of informal involvement is a more effective way for parents to exert their influence in schools than formal and political citizen efforts.

COURT-MANDATED ORGANIZATIONS

Citywide Committees

Citywide committees are the most prevalent mode of court-ordered citizen participation. Such groups were appointed by judges to advise and assist them in all four cities. These committees are predominantly elite, blue-ribbon groups including well-known business, civic, and university leaders. They usually include people who live outside the city itself. The have often incurred resentment and even deep hostility, as in Boston, because they are dominated by people not personally affected by the court order. The influence of these groups rests on their direct access to the traditionally inaccessible judges. However, only in Denver is such a group reported to have had a strong impact on successful implementation. It may be that this reported effectiveness can be attributed partly to two distinguishing characteristics of the Denver Council: (1) willingness of the chairman to use the media to criticize, cajole, and embarrass the school board and school administration publicly for obstructionist or dilatory tactics; and (2) continuing day-by-day in-school monitoring by individuals reporting to the committee.

One modification that may be expected in the courts' use of the citywide committee is that committee members will be given responsibilities during the period of planning and preparation rather than after the plans are actually in effect.

School and District Councils

Of the four cities, only Boston has a multitiered structure of citizen participation established by the court. This distinguishing feature in Boston accompanied administrative decentralization of the school district--significant in a district that had been centralized for more than 60 years. Similar school-level activities have been developed in the other cities through PTA's or neighborhood associations or informal efforts. We hypothesize that the existence of a court-ordered structure results in a greater degree of continuing school district and subdistrict participation wherever it exists; in Boston, however, it is more extensive because of the number of councils and committees in that city and their complex inter-relationships.

The participation of parent council members (through recommendations) in the selection of headmasters and principals in Boston provides an avenue of indirect policy influence, although there are wide differences of opinion about the degree to which councils actually affect this process. As we study citizen organizations intensely over the next few months, we will be able to test these impressions about court-ordered groups in Boston.

The burgeoning of local and State mandated school-site advisory councils in cities around the country suggests that these groups may well be asked by the courts in the future to aid with the development of implementation plans and in their monitoring and assessment. We have the opportunity to examine these developments in our current study in Los Angeles, where court-ordered desegregation begins for the first time in the fall of 1978, and where site advisory councils are required in every school.

CITIZEN-INITIATED ORGANIZATIONS

Nearly every category of citizen-initiated organization can be identified in the four cities we have reviewed. These include the following:

1. Citywide multi-purpose groups (e.g., Leagues of Women Voters, Chambers of Commerce).
2. Citywide single purpose education groups (e.g., PLUS, Boston's Citywide Education Coalition).
3. Low-income neighborhood associations (e.g., Mission Hill Task Force, and PLUS.
4. Citywide racial/ethnic organizations (e.g., Freedom House, United Black Protective Parents, El Comite de Padres).
5. Child advocacy organizations (e.g., Mass. Advocacy Center).
6. Independent groups and those that are affiliated with State or national organizations.
7. Self-contained groups and those that are federations or coalitions.

Varying Styles of Participation

Similarly, nearly every style of participation is represented, including:

1. Research (e.g., Leagues of Women Voters).
2. Public information and education.
3. Mass rallies (e.g., nearly all of the antibusing groups and the pro-court-order groups in Louisville).
4. Parent organizing and training (e.g., Citywide Education Coalition, PLUS).
5. Monitoring School Boards, school officials (e.g., Citywide Education Coalition, Progress in Education).
6. Litigation and legal assistance (e.g., NAACP, Mass Advocacy Center, United Black Protective Parents).
7. Direct services to constituents (e.g., Freedom House).
8. Electoral politics, supporting candidates, providing forums for candidate debates (e.g., Progress in Education, Leagues of Women Voters).

Child Advocacy Groups

An upsurge of child and parent advocacy groups can be expected as a part of the process of desegregation. The need for advocacy work is obvious since most desegregation litigation arises from violation of the rights of classes of children to equal protection under the law.

Organized advocacy groups have two key roles: they provide the opportunity for litigation to force compliance or to ameliorate the negative impact of administrative actions on individuals or classes of individuals; and they monitor the administrative implementation of court order or the policy decisions of legislative bodies.

Examples of advocacy activity in the implementation of desegregation are plentiful; a significant one, the Massachusetts Advocacy Center, provides case-by-case assistance to students who believe they have been subjected to unfair disciplinary action or unjust suspension in schools. United Black Protective Parents in Louisville helps black children by intervening for them with teachers and administrators in the schools and, if necessary, by aiding them in court.

Advocacy approaches such as these are examples of direct and visible citizen influence in schools. They can solve a problem, change the service delivery system, or revise policies. The directness and measurable impact of these approaches contrasts with the usually slower and more difficult organizational efforts aimed at changing the system. However, as pointed out by the Director of the Massachusetts Advocacy Center, this approach has one important limitation: action through litigation, monitoring, or case advocacy can place a child back in the classroom or school in which he or she has a right to be; but the intervention cannot assure the quality of his or her experience once returned.

Discrimination Against Black Teachers and Students Continues

Low-income citizen organizations have been formed to engage in advocacy activities in response to discriminatory actions against black teachers and students in desegregating schools. Our interviews in Los Angeles, Louisville, New York, and Boston revealed a high level of concern among minority people over the lack of minority teachers and administrators and the length of time affirmative action programs take to accomplish desegregation of school district employees. The same people raised questions about discriminatory, disciplinary and suspension policies.

According to its program coordinator, the Children's Defense Fund has documented discriminatory practices, identifying two million students, mostly minority, who have been suspended, expelled, or otherwise "pushed out" of the Nation's public schools since 1970.

Findings in a recent study by the Southern Regional Council, confirmed by studies of Boston's experience, show that the problems of student expulsion, suspension, and "push out" appear especially prevalent in school districts where desegregation is poorly handled and where school administrators are committed to resistance.46/ Records for one year in Louisville during school desegregation show that an average of 16 out of 100 white students suffered suspensions for some infraction. During the same period, an average of 69.4 black students out of 100 were suspended. Other Louisville figures show that black students suffered considerably higher rates of suspension for subjectively determined infractions than did white sutdents. However, when criteria for judging misconduct were objectively determined (as when students were found smoking, cutting classes, or appearing late for school), there was less disparity between black and white suspension rates.

These problems have produced a "second wave" of desegregation-related citizen organizing, perhaps best exemplified by such Louisville groups as the United Black Protective Parents. Similarly, State and national groups respond by organizing to ferret out and minimize inequities.

The existence of a few State and national advocacy organizations such as the Children's Defense Fund provide encouragement and support for other groups. Their very existence also serves as a form of pressure on school and municipal officials to implement court orders in a consistent and honorable manner. A capacity for advocacy seems to produce citizen influence, even when not directly exercised. It is our impression, however, that as desegregation spreads across the North and West, the existing organizations do not have the resources needed for the task. New organizations will be needed and existing organizations will need additional resources.

Business Involvement

Business involvement is especially strong in Dallas, mandated by the court in Boston, and apparently weak in Louisville and Denver.

In all cities, some business leaders have voluntarily worked for peaceful implementation of court orders; many others have held back. However, in all cities, business leaders have been required to serve in court-mandated and citizen-initiated organizations which are implementing desegregation plans.

In Dallas and Boston the continuing business involvement concentrates on delivering programs to schools -- the Adopt-a-School concept in Dallas and the business-school pairings in Boston are likely to become an example for general future desegregation plans; they represent ways of opening up the schools to new expertise and resources.

We would hypothesize that the degree of business involvement in future desegregation cases will be closely related to the extent that the business leadership identifies the survival and quality of the public schools as important to the economic development of the city.

University Involvement

Individual university administrators and faculty members, like business leaders, have played important roles. In Boston, two university administrators serve as continuing court experts on all aspects of the implementation planning and have had substantial influence. The court-mandated citywide citizen group in both Boston and Denver was headed by a university administrator.

It was only in Boston, however, that the court order mandated institutional university involvement. Schools and subdistricts there are paired with area colleges and universities in a continuing relationship. These pairings are supported in part by State funds and have provided some impetus for staff development and new programs for students. The pairing programs have thus far exceeded the expectations of most observers. While the impact of the pairings has not been documented by any definitive evaluation, the concept has attracted the interest of other desegregating cities and is likely to emerge as a part of the pattern elsewhere.

Student Participation Lacking

The lack of reported student involvement in organized efforts to implement court-ordered desegregation plans is striking. For example, we found no examples of student participation in planning for desegregation and only one example, in Boston, of student participation in monitoring or other functions; there the court order established Racial-Ethnic Student Councils (RSC's) parallel to the Racial-Ethnic Parent Councils in each school. Little attention has been given to these councils, although apparently some have been formed. The State Department of Education's Office of Youth Services has provided some assistance to the Boston councils and has prepared as assessment of them.47/

THE NEED FOR CITIZEN PARTICIPATION IN DESEGREGATION: A FINAL WORD

Court action to desegregate the schools is necessary only because political leaders, school boards, and school officials have been unwilling or unable to achieve desegregation voluntarily. Often, the political leaders, school boards, and school officials have not only failed to provide positive leadership but have evaded, obstructed, and made decisions that created more rather than less segregation.

From the beginning, school desegregation has required extraordinary and persistent efforts by the aggrieved parties and their advocates and allies. The resistance of decisionmakers at Federal, State, and local levels has been substantial and continuing. Moreover, when desegregation does go into effect, poor and working-class blacks, white and other minorities carry the heaviest burden of undoing decades of either _de jure_ or _de facto_ segregation.

Given these conditions, it is little wonder that the effective implementation of court-ordered desegregation requires extraordinary intervention on the part of the courts and organized citizen leadership to fill the vacuum which exists when official bodies move too timorously. Of the four cities we have discussed, only in Dallas did the school board and school administration take an active and supportive role in working with citizen organizations for effective implementation of the court order. In Dallas, this support created a very different environment for citizen activity. There was clearly less need for court-ordered, court-supervised activity. There was less controversy to stir citizen organizations into life. The opposition groups were overwhelmed by a citywide, carefully orchestrated marketing plan.

This last example and the preceding discussion demonstrate the fact that there is no consistent pattern for the process of desegregation and that one should beware of generalizations. Each city shared some problems and created some of the same mechanisms to deal with them but each had to meet its own individual difficulties with specific and sometimes unique strategies. We are anticipating that future studies will provide more conclusive insight into the relationships between official school attitudes and the forms and effectiveness of citizen organizations.

TABLE 4.1 ORGANIZATIONS SUPPORTING SCHOOL DESEGREGATION BY FUNCTION AND CITY

	FUNCTION					
CITY	Developing Desegregation Plan	Mobilizing Public Support	Carrying Out The Plan	Monitoring And Reporting	Child Advocacy And Protection	Participation In Education Improvement
LOUISVILLE						
Citizen-Initiated		United Black Parents Progress in Education Community for Ed. Excellence Citizens Ed. Workshop	Progress in Education Community for Ed. Excellence Citizens Ed. Workshop	United Black Parents Progress in Education Citizens Ed. Workshop	United Black Parents Progress in Education	Progress in Education Community for Ed. Excellence Citizens Ed. Workshop Belknap Parent Board Roosevelt Community School Board
Mandated	Citizen Advisory Council					
BOSTON						
Citizen-Initiated		Citywide Ed. Coalition Freedom House	Citywide Ed. Coalition Freedom House	Citywide Ed. Coalition	Mass Advocacy Center Freedom House El Comite Mission Hill Task Force Chinese Parents Association	Citywide Ed. Coalition Mission Hill Task Force
Mandated		Citywide Coordinating Council Citywide Parents Advisory Council	Citywide Coordinating Council Citywide Parents Advisory Council	Citywide Coordinating Council Citywide Parents Advisory Council		Citywide Parents Advisory Committee District Advisory Council

CITY	Developing Desegregation Plan	Mobilizing Public Support	Carrying Out The Plan	Monitoring And Reporting	Child Advocacy And Protection	Participation In Education Improvement
BOSTON Mandated (Continued)		District Advisory Council School Parent Councils	District Advisory Council School Parent Councils Racial-Ethnic Student Councils Business Task Force University/Cultural Pairings	District Advisory Council School Parent Councils		School Parent Councils Business Task Forces Universities Cultural Institutions.
DENVER Citizen-Initiated		PLUS* PTA *People Let's Unite for the Schools	PLUS PTA	PLUS		PLUS PTA
Mandated		Community Ed. Council		Community Ed. Council		
DALLAS Citizen-Initiated	Chamber of Commerce Alliance	C of C Alliance Comm. for a Smooth Transition Desegregation Coord. Network				C of C Alliance Desegregation Coord. Network
Mandated	Tri-Ethnic Committee	Tri-Ethnic Committee		Tri-Ethnic Committee		Tri-Ethnic Committee

CHAPTER IV - REFERENCES

1. The National Institute of Education, through its School Desegregation Division, Office of Educational Enquiry, has awarded a contract to Charles V. Willie and Susan L. Greenblatt at the Harvard Graduate School of Education for a "Comparative Community Analysis of the Conflict Resolution Process in School Desegregation." This potentially significant enterprise will take the form of intensive case studies in 10 cities of varying sizes and locations where desegregation is taking place. Emphasis will be on the roles of citizen groups and educators' organizations in the schooo desegregation process and on the ways in which decisions are made and power exercised in the community.

2. For an in depth discussion, see: Joe B. Frantz, "The Frontier Tradition: An Invitation to Violence" in *The History of Violence in America*, ed. Hugh D. Graham and Ted R. Gurr (New York: Bantam Books, 1969), pp. 119-143. See also: William Z. Foster, *The Negro People in American History* (New York: International Publishers, 1954); Louis S. Knowles and Kenneth Prewitt, "Institutional and Ideological Roots of Racism," in *Institutional Racism in America*, ed. Louis S. Knowles and Kenneth Prewitt (Englewood Cliffs, N.J.: Prentice-Hall, 1969); and Richard Hofstadter, *Social Darwinism in American Thought* (Boston: Beacon Press, 1944).

3. See Earl Warren, "Inside the Supreme Court: The Momentous School Desegregation Decision," *Atlantic Monthly*, April 1977. Warren quotes Eisenhower as saying: "These are not bad people. All they are concerned about is to see that their sweet little girls are not required to sit in school alongside some big, overgrown Negroes." (p. 39). See also: Ira Sharkansky and Donald Van Meter, *Policy and Politics in American Government* (New York: McGraw-Hill, 1975), p. 19.

4. Harnell R. Rodgers, Jr., "On Integrating the Public Schools: An Empirical and Legal Assessment," *Racism and Inequality: The Policy Alternatives*, ed. Harnell

R. Rodgers, Jr. (San Francisco: W.H. Freeman and Co., 1975), pp. 125 and 131-2. The massive resistance that characterized the first dozen years after the Brown decision was worn down by a series of court cases. For example, in *Green v. New Kent School Board* (1968, Virginia) the court ruled against the use of nonproductive freedom-of-choice plans. This decision was extremely important in that it set a much more explicit standard and made it clear that school boards were responsible for undoing the consequences of their past actions. Similarly, the decision in *Alexander v. Holmes County Board of Education (Mississippi, 1969)* called for an end to dual school systems and noted that fifteen years had passed since the Brown decision. In *Swann v. Charlotte-Mecklenburg Board of Education* (No. Carolina, 1971) the court brought Northern, residential *de facto* segregation within reach of the law and recommended busing as a tool to implement desegregation. However, the decision in *School Board of Richmond v. Virginia State Board* (1973) delivered a heavy blow to the advocates of school desegregation. That decision, in effect, placed limits on the Courts' ability to use busing especially across county lines as a desegregation tool.

5. See Robert A. Dentler's remarks: "A Contributor's Corner" in *Linkage* (spring 1977), p. 18.

6. Richard Kluger, *Simple Justice* (New York: Knopf, 1975) states the case for desegregation. Lino Graglia, *Disaster by Decree* (Ithaca: Cornell University Press, 1976) interprets all major court decisions from the perspective of opponents of desegregation.

7. A more recent formulation of this problem is presented by Robert A. Dahl, "On Removing Certain Impediments to Democracy in America," a paper presented at the 1976 Annual Meeting of the American Political Science Association, September 1976.

8. Income distributions between 1910 and 1957 are reported in Gabriel Kolko, *Wealth and Power: An Analysis of Income Distribution in America* (New York: Praeger, 1962). Additional information on current allocation of wealth is presented in Lester C. Thurow, *Generating Inequality: Mechanics of Distribution in the U.S. Economy* (New York: Basic Books, 1975). Michael Harrington, "Post-Industrial Society and the Welfare State," *Dissent* (summer 1976) provides data and discussion on the long-term, stable pattern of inequality.

9. See for example, Michael B. Katz, *Class Bureaucracy and Schools: The Illustration of Educational Change in America*, expanded edition (New York: Praeger, 1975) and Scott Greer, *The Great School Legend: A Revisionist*

Interpretation of American Public Education (New York: Viking, 1972).

10. Sharkansky and Van Meter, *Policy and Politics* (1975), pp. 24-26.

11. Our field observations have noted this tendency in groups like Boston's ROAR, CWEC, and CPAC; and, in Denver with PLUS. This phenomenon obviously needs further study.

12. Hayden Gregory, "A Report on the Tri-Ethnic Citizens' Committee in Denver," submitted to U.S. District Court Judge W. Arthur Garrity Jr., December 11, 1974. Prepared by Chief Counsel, U.S. Department of Justice Community Relations Service.

13. Roger Williams, "What Louisville Has Taught Us About Busing," *Saturday Review* (April 30, 1977).

14. *Desegregation of the Nation's Schools*. A Report of the United States Commission on Civil Rights, August 1976 (Washington, D.C.: U.S. Government Printing Office), p. 41.

15. Williams, "What Louisville Has Taught Us," (1977) p. 7.

16. Milburn Maupin, et al., *Adjustments in the Portion of the Desegregation Plan Affecting Elementary Schools in Jefferson County, Kentucky: A Report to the Honorable James F. Gordon, Senior Judge, United States District Court for the Western District of Kentucky* (Jefferson County Public Schools, June 17, 1976).

17. Ann Braden, "Louisville Schools: Women in Struggle," *Integrated Education* (January-February 1977), p. 12.

18. Williams (1977), p. 7.

19. Ibid., p. 8.

20. Ibid., p. 10.

21. Ibid., p. 51.

22. Joel D. Aberbach and Jack L. Walker, *Race in the City* (Boston: Little, Brown and Company, 1973), p. 154.

23. Notes from the Journal of the Field Research Coordinator (spring, 1977).

24. Charles W. Case, "Highlights of the Desegregation in Boston," in Citizens Guide to Desegregation: A Report (Cleveland, Ohio: Citizen Council for Ohio Schools, February 1976). See also: John F. Adkins, et al., Desegregation: The Boston Orders and Their Origins (Boston Bar Association Committee on Desegregation, August 1975).

25. Massachusetts Research Center, The Desegregation Packet: Boston Chronology (fall 1974), p. 17.

26. Case, (1976), passim.

27. See Chapter 4, "Judicial Activism and Citizen Participation: A Survey and Analysis from 1970 to Present," of this report for a discussion of earlier desegregation decisions mandating citizen participation.

28. Edward J. McCormack Jr., Boston Globe, 8/1/76.

29. Quality Education: Changing Definitions and Heightened Expectations. A Report of the Citywide Coordinating Council to Judge W. Arthur Garrity, Jr. March 1977, p. 7.

30. Ibid., p. 12.

31. Ibid.

32. Ibid.

33. The status of the student councils is currently being evaluated by the Massachusetts Department of Education, Office of Youth Services. Their report, containing valuable information, became available in fall 1977.

34. R. Jerrald Shive, "Highlights of the Desegregation Process in Denver," in Citizen Guide to Desegregation (1976).

35. Gregory,"A Report on the Tri-Ethnic Citizens' Committee in Denver" (1974).

36. Shive, "Highlights of the Desegregation Process in Denver" (1976), p. 28.

37. Ibid., p. 29.

38. Ibid.

39. Robert Wright, "State and Purpose and Direction for the CEC" in Wildred Keyes et al. v. School District No. 1, Denver, Colorado: Final Judgement and Decree (1973), pp. 8-9.

40. Letter from the CEC to U.S. District Court (Denver, Colorado, September 20, 1974).

41. People Let's Unite for Schools, A Remember the Children Campaign. . . (Denver, Colorado, n.d.).

42. See Appendix A in Tasby v. Estes (1976).

43. Keep It Together Dallas: The Dallas Business Community's Involvement in the Creation of the Dallas Alliance and the Development of the Dallas Plan for Desegregation of the Public School System (Dallas Chamber of Commerce, n.d.), pp. 3-4.

44. United States District Court for the Northern District of Texas, Dallas Division, Eddie Mitchell Tasby, et al. v. Dr. Nolan Estes, et al. Final Order (April 7, 1976), p. 4.

45. Tasby v. Estes (1976).

46. Nicholas Von Hoffman, Columnist for the Washington Post, in 1972 cited a survey by the Southern Regional Council that of 127 school districts in 11 southern states, 11,146 black students were suspended or expelled during the school year 1971-72. Moreover, the Assistant Director for Civil Liberties and Intergroup Relations of the National Education Association is quoted, estimating that: ". . . anywhere from 50,000 to 100,000 southern black students each year are being pushed out and in the absence of effective remedial and preventative action will continue to be gone from the public schools."

47. As noted earlier, a report on Boston's Racial-Ethnic Student Council by the State Department of Education's Office of Youth Services is now available.

EPILOGUE

June 1978

As with most reports, new developments overtake and make some of the facts, opinions, and ideas obsolete even before printing. It is not possible to do a complete updating of developments from the time the data were gathered to the time of production. However, there are a few developments in the mid-1977 to mid-1978 period that we do want to note briefly here because of their special relevance to material in the report.

Dallas, Texas

The U.S. Court of Appeals for the Fifth Circuit rejected a student-assignment plan which has been operated by the Dallas Independent School District for the past two years under a Federal court order. The NAACP, which brought suit challenging the plan, charged that 27,000 of the district's 136,547 students attend all-black schools. The appeals court instructed Federal District Judge William Taylor to formulate another assignment plan.

Although the Dallas plan has been widely acclaimed as a model for desegregation with minimal busing, the appeals court will no longer accept the number of one-race schools remaining in the district.

The NAACP hailed this action as "one of the most significant rulings in recent years." An NAACP spokesman said the court "gives notice to a number of districts that they can't maintain segregation under the guise of equalizing the separateness. We maintain the Constitution does not permit the warehousing of students."

South Carolina

On July 1, 1977 the South Carolina State Legislature passed the South Carolina Education Finance Act of 1977 designed to establish "a system of financial aid that recognizes variations in local fiscal ability and upgrades educational opportunities for every child regardless of where he lives." Section 6, Paragraph 3:6 of that Act mandates that "each school board shall establish an advisory council at each school." Each council is charged with assisting and advising the school principal in preparing an annual report on school progress. The law states further that: "The local school board shall make provisions to allow any council to file a separate report to the local school board if the council deems it necessary." Since these councils were established in January 1978, South Carolina has joined California and Florida as a lead state in fostering citizen participation in local school governance.

California

In September 1977 the California legislature enacted an Assembly Bill--a comprehensive school finance reform law which included a School Improvement Program. This School Improvement Program, based on the model of the Early Childhood Education Program discussed in Chapter 2 of this report, offers incentive funding to school districts to engage in planning and program improvement efforts. The focus is on decisionmaking at the individual school building level and the law requires the establishment of a site council for each participating school. These site councils require a parity of representation among educators (teachers and administrators) and parents and other community residents. In the case of secondary schools, student participation is included. Some of the most pertinent sections of AB 65 for the purposes of this report include these:

> Section 52011. The governing board of each school district shall:
>
> *(a) Ensure that the principal of every school receives information covering the provisions of this chapter, and provides such information to teachers, other school personnel, parents, and, in secondary schools, pupils.*
>
> *(b) Adopt policies to ensure that prior to scheduled phase-in, a school site council is established at each school site to consider whether or not it wishes the local school to participate in the school improvement program. The board shall ensure that all interested persons, including, but not limited to, the principal, teachers, other school personnel, parents, and, in secondary schools, pupils have an opportunity to meet in public to establish such council.*
>
> *(c) Establish a plan for the phase-in of schools. Such plan shall ensure that at least one-half of the schools that are participating in any year are schools with the greatest numbers or concentrations of educationally disadvantaged youth until all such schools participate.*

At press time the voters of California adopted the widely-publicized Proposition 13, placing severe limits on local property taxation. It is too early to know what the impact of this new law will be on the implementation of AB 65 and on citizen participation at the local level.

Political Changes

In addition to specific legislation, it is interesting to point out that there are a variety of indications that political figures opposed to desegregation as a whole or to busing as a particular issue are likely to be defeated in local elections. For example, in Boston, three such candidates for re-election, campaigning mostly on the single issue of anti-busing, Louise Day Hicks, Elvira "Pixie" Palladino, and John Kerrigan, have all recently been defeated at the polls. Similarly, in Louisville, Todd Hollenback, well-known, long-time opponent of Federal Judge Gordon's desegregation plan, lost his bid for re-election as a court judge; in this same city the former head of the NAACP was recently elected to the school board.

We believe that these individual instances suggest a growing national trend toward greater support for school desegregation and more genuine concern for quality education in contrast to the near-hysterical opposition to busing which prevailed in many cities in the early 70's.